Information Technology in Complex Criminal Trials

Graham Greenleaf and Andrew Mowbray

Australian Institute of Judicial Administration Incorporated, 1993, approximately 122 pages.

Paperback $20.00

Distributed by AIJA, ph: (03) 347 6815, fx: (03) 347 2980

Faced with the task of recommending solutions to the information crisis currently developing in the criminal justice system, Graham Greenleaf and Andrew Mowbray have produced an incisive report to the Australian Institute of Judicial Administration (AIJA). The purpose of the Report was to recommend ways in which presently existing information technology could be employed to improve the management of complex criminal trials in Australian Courts. To this end, the authors have examined the range of technologies for computerising the courts and made 58 recommendations regarding their implementation. The Report, designed to compliment Professor Mark Aronson's *Managing Complex Legal Trials: Reform of Evidence and Procedure* (AIJA, 1992), is available both in print and, as one would expect, on computer disk.

Having noted the tremendous cost and complexity of lengthy criminal trials, the Report reviews four main species of technology available for litigation support: *free text retrieval* software; *database* software; *document imaging* software; and *presentation* software. The Report then proceeds to survey criminal trial computerisation in Australia, the United Kingdom, the United States and other common law jurisdictions.

Chapter 4 of the report deals with transcripts, including audio and video recording, 'real time' transcript, standards and quality, dissemination and transcript retrieval software. In Chapter 5 the authors address questions such as 'What documents should be captured in full text?', 'What documents should be captured as images?' and 'What documents should be summarised in a document control database?'. Various existing software packages are then contrasted. Certain systems are reviewed in the context of the Equity Corp trial in New Zealand (1992) and the Rothwell's prosecution in Western Australia.

In the final chapters, Greenleaf and Mowbray consider the issues of co-operation and procedure regarding computerised documents (Chapter 6); the simplification of complex evidence through presentation graphics and summaries (Chapter 7); and improved communication, education and standards (Chapter 8).

Among other suggestions, the Report recommends that high quality microcomputers or work stations be provided to judges for use in chambers, with facilities for image, text and video displays, and with sufficient storage and memory to run 'simultaneous memory intensive applications' (Recommendations 1 and 2).

A national strategy for compatibility of computerised litigation support facilities between the Australian Securities Commission, the National Crime Authority, and the Commonwealth Director of Public Prosecutions is advocated, as is the co-operation of State court administrations in this development (Rec. 4).

On the issue of transcripts, the authors support the provision of computer-readable transcript in at least standard (ASCII) computerised form, on standard computer media, on the same day (Rec. 6). Transcript should conform to a national standard of numbering, text formatting and referencing of exhibits and witnesses (Rec. 8) Whilst on-line provision of transcript by court reporting services is encouraged, it is not given a high priority (Rec. 7).

The use of presentation graphics to simplify evidence is recommended for use by both prosecution and defence (Rec. 26), including the use of interactive graphics and images of exhibits (Rec. 27). Where prosecution intends to use graphics or summaries in court, Greenleaf and Mowbray propose that the software should be made available to the defence to assist it with its own presentations (Rec. 31).

The authors recommend that a national co-ordinating body be created to 'disseminate information, experience and advice concerning the use of information technology by those involved in criminal trials' (Rec. 35).

Finally, Greenleaf and Mowbray propose that at least one courtroom in every State and Territory be equipped to accommodate the full range of technologies, and that complex criminal trials have priority over civil matters in the use of such a venue (Rec. 56).

Information Technology in Complex Criminal Trials was launched by the Hon. Justice Seaman of the Supreme Court of Western Australia on 30 July, 1993. His Honour, '..heartily recommend[s] anybody who is or might be concerned with the conduct of a complex criminal trial to read this work..' which, in his Honour's view, '.. firmly establishes the credentials of its authors in the field'.

Law, Decision-Making, and Microcomputers

Stuart S.Nagel (ed)

Quorum, 1991, xxviii + 348 pages

Hardback US$69.95

ISBN 0-89930-503-2

Distributed by DA Information Services

The title of this collection of essays does not, in some senses, do the subject matter justice. The title seems to indicate that the scope of the work is restricted only to 'decision support' systems within law, a subset of the sorts of computer systems available to aid lawyers in their work.

While the subject matter is largely decision support systems (in the technical sense), it also covers topics which the layperson might expect to fall outside such a definition—for example, a discussion of expert systems, or an exposition of computer use in courts and in the prosecution service, or descriptions of using hypertext in teaching law and in legal practice. The title also seems to indicate, by its use of the outmoded term 'microcomputer', that it concerns itself only with small systems, when often the opposite is true.

Perhaps a more representative title would have been 'Essays on everything you ever wanted to know about using computers in practice, as aids to policy making, and in legal scholarship.' Alas, that title must have been too long.

The book is well structured. Three main sections deal with those elements mentioned in my proposed title. Part one contains essays on systems of use to the practising lawyer, part two for policy makers and part three for legal scholarship and law training. Part four is entitled 'Cross-cutting analyses of the law', which seems to be a catch-all part for those essays which could not be shoehorned into one of the other parts.

While I am on the subject of 'shoehorning', it seems really that the distinction between some of the parts is somewhat arbitrary. For example, one of the best essays is a disturbing work by Ronald Stamper on the dangers of the unthinking use of expert systems in law. This is a highly theoretical and philosophical piece and yet is contained under 'The Practising Lawyer' part.

Other essays on topics such as the use of document assembly systems apply to private practice as well as to public sector and policy uses. I accept that it is necessary to have some grouping, in order that this not appear to be a random sample of essays, but I would have liked the obvious overlaps to be made more apparent. This criticism however says nothing about the quality of the essays which are excellent.

Leaving aside the groupings suggested by the titles to Parts One, Two, Three and Four, I would say that practising lawyers will find useful such essays as the ones on information retrieval, document assembly, case evaluation, uses in tax compliance, and hypertext.

Public sector users will find relevant all those listed in their section (part two) as well as those on document assembly, automatic thesaurus building, and computers in legal decision making.

Law teachers will be interested in part three plus a number of other essays (notably the research papers), while those interested in research issues will turn to Layman Allen and Charlie Saxon's work on automatic generation of legal expert systems, Ciampi's Thesaurus builder, Stamper's concerns with expert systems and Bing's problems in finding precedents.

Though there is much to chew on here, it is important to note that these papers may be five years old or more. Though this will not affect most users, it means that it is not on the cutting edge of current research. For practical purposes however, this is a positive boon. It means that much of the discussion here is quite 'do-able' today in a commercial or practical environment. This makes this book a useful addition to the library of those interested in building computer systems which aid lawyers in their practice, rather than just computer systems which perform back-room operations.

Expert Systems in Law

A.A.Martino (ed)

North Holland, 1992, xvi + 435 pages

Hardback Dfl 230.00

ISBN 0-444-89333-4

Distributed by DA Information Services

These are the proceedings of the third international conference on logic, informatics and law, held in Florence, Italy on 2nd–5th November 1989. This means that, like Nagel's *Law, Decision-Making, and Microcomputers*, [reviewed in this issue-*Eds*] this is a series of papers in search of a topic. Unlike Nagel's book however, this is a collection of papers which at the time they were written were amongst the leading research in the area broadly known as Artificial Intelligence and Law. This is not to say that there is nothing of use to practitioners, for that is not the case at all. Rather, it says that four years ago we were examining many of the same issues we are looking at today, and much of what was reported then is of commercial benefit now.

However, this book is not for the faint-of-heart, nor indeed I suspect for those without some formal training in logic. Having experienced the latter, I am still bogged in some of the deontic logical formulae which peppers most of the papers presented. The conference was, after all, about logic within law, and the use of logic to derive a range of purportedly useful results is the most obvious feature of this book. I say 'purportedly useful' simply because it strikes me that law is far more than a strictly logical system (even a non-monotonic logic system) and for all the rigourous proofs presented I remain unconvinced. That said, I enjoyed a range of papers in these proceedings, including some insightful comments by Hector-Neri Castañeda on legal speech acts, Tom Gordon on legal document assembly, Skalak and Rissland on case-based reasoning, and Alchourrón and Bulygin on the jurisprudential limits of logic systems which expresses my previous concerns in a manner which I could never hope to do.

By leaving out the other papers I do not seek to denigrate their work, since I recognise that it is of the highest international standing. Nonetheless, those unfamiliar with logical formalisms, particularly deontic and non-monotonic logics, would do well to try more introductory works before trawling the depths of this book.

Expert Systems in Law

Alan Tyree

Prentice Hall, 1989, viii + 192 pages

Hardback $34.95

ISBN 0-13-295650-0

Distributed by the Federation Press

It is somewhat difficult reviewing this book for two reasons. The first is that I know and admire Alan Tyree and so my judgment may well be biassed. I hope though that I can divorce this from the review and the reader can make of this bias what she or he will.

The second problem is to do with the age of the book. If lawyers think that it is hard to keep up to date with legal developments, then scientists have an impossible task. Thus, so much has happened in this area in the last four years that it is tempting to judge this book on the basis of what was available when it was published, rather than what is available now.

However fair this may be to the author, it may not be useful to the reader wishing to know whether to buy the book. Thus, I will review this book on the basis of whether it is currently useful, and mention what it was like in 'its day'.

The circumloquacious introduction should not give the reader the idea that the book is not excellent on its own merits, for it is. Even though four years have passed, this book represents an admirable clear, concise and ultimately readable introduction to this fascinating area.

It is written for non-scientists, and so is quite comprehensible to those who have never touched a computer. I must say, for those to whom it would cause concern, that there are a number of listings of computer programs. These however are not mandatory reading, and can be quite easily skipped for the more squeamish.

I always wonder about the utility in placing chunks of code in introductory books such as these, it seems to scare people off in the same way as formulæ scare off readers of introductory maths works. Still, those nervous about computer code should not be put off—there is no need to read it.

The first two chapters are simple introductions to the area of expert systems and law, and computers and computer programs. In the second chapter the reader is introduced to programming, and programming practice. The following two chapters then actually start to examine the expert system concepts which are fundamental to work in this area.

There are thus discussions of how we represent knowledge, including how we reduce facts to component parts, an examination of network representations such as semantic nets and the other major form of representation: frames.

Chapter four introduces what is termed 'highly structured models' though this term I think could equally apply to frames and even network representations. No matter—over these two chapters the reader is introduced to all the major ways in which knowledge engineers (the builders of expert systems) seek to define and organise the knowledge which is to go into the system.

Then we come to the practical sections of the book. Two chapters on (in turn) production rules (ie IF ... THEN rules), one on using precedents in these systems and one on example based systems. This covers the three main sub-categories of systems today, though of course things have moved along some way particularly in the area of case based systems. However, the recent trends are still research concepts and no-one has actually built commercial systems along these new lines. So for those who are interested only in what we can reasonably and practi-

cally do at the moment, then the lack of recent material is no real disadvantage. The final chapter looks at some of the problems and prospects with the systems as they were in 1989, and as it happens no-one has resolved many of the problems which Tyree examines.

In summary then, this book is an excellent and practical introduction to expert systems and their use in law. It is probably the best of its kind on the market for those who work in law firms, government, or industry and who are interested in building pragmatic, cheap and useful legal expert systems.

Computers, Artificial Intelligence and the Law

Mervyn E. Bennun (ed)

Ellis Horwood, 1991, x + 132 pages

Hardback $87.50

ISBN 0-13-151721-X

Distributed by the Federation Press

This book seeks to be a form of introduction to the area, but strikes this reviewer as a little too advanced in certain respects and a little underdone in other areas. It is a series of papers collected together and edited by Bennun, on the general theme of the uses and abuses of artificial intelligence and law. I think, although I cannot be sure, that they stem from the first UK national conference on Law, Computers and Artificial Intelligence.

In order to explain why this book is somewhat lacking it is necessary to describe the papers that are in it. Blay Whitby begins by looking at the social implications of AI and law in a paper entitled'AI and Law: Proceed with caution.' In a very real sense I was not sure what Whitby's thesis was.

I think it was that we must be careful in our use of AI in order not to 'de-skill or threaten the responsibility of users.' (Whitby's words). A few examples were given, but no real explication of where the real trouble spots lay, what it was that distinguished law from any other discipline, and what we could do to avoid these problems.

Jan Goossenaerts and Johan Lewi then focussed upon a specific type of knowledge representation technique, called the 'stage-prop-actor-net method.' The SPAN method is a useful one and I found their implementation an interesting one, but coming after Whitby's imprecations I was a little at a loss to see how this method resolved the concerns which Whitby was forcing on us.

The second difficulty I had was that this is but one of a number of network representation techniques (semantic nets, conceptual graphs, Petri nets, etc), none of which were discussed in the book. It seemed strange to focus just upon this representation.

Peter Sprakes then examined 'Artificial Intelligence Models of Legal Reasoning', which I thought was in many ways the most successful paper in the book, but what was in essence a summary of Richard Susskind's book 'Expert Systems in Law.' There were nonetheless some interesting jurisprudential points made of a kind which is, regrettably, all too rare in this field.

The editor then focussed on the criminal law and discussed some basic problems with computerising it. Surprisingly, the majority of this chapter is spent advancing a thesis for one particular interpretation of one area of the criminal law, and then a scant four pages are used to discuss the problems of computerisation which was ostensiblythe *raison d'etre* of the chapter.

David Cairns and David Marshall examine some jurisprudential questions relating to rule-based systems. This is quite an interesting paper which concerns itself far more with philosophy than other papers in the book. Their eventual conclusion is that expert systems in law carry dangers for the unthinking creator and user. It is a salutary reminder, and a paper which I thought the most perceptive and useful of the entire book.

The final chapter by Julie Browne and Andrew Taylor looks at specific management issues and the effects and social implications of decision support systems in social security offices.

Having described each of the limitations and strong features of the papers, I consider that the main problem with the book is its lack of focus. If it were just an examination of the jurisprudential difficulties of legal expert systems and an examination of the social implications of their use, then I would feel much happier. It is not this, or only partly this.

It also seeks to show some specific implementation techniques and management questions of these systems. Its focus thus becomes diffracted and blurred, and ultimately the book suffers for it.

Perhaps it is just that it is a collection of conference papers; but if that is the case then I would like to be informed of this, so that I do not get the wrong impression and think that the book is something it is not.

Modeling Legal Argument—Reasoning with cases and hypotheticals

Kevin D. Ashley

MIT Press, 1990, xiii + 329 pages

Hardback US$39.95

ISBN 0-262-01114-X

There are two points to note before embarking on a review of this book. First, it is hard-nosed and leading edge computer science research, which uses as its domain the field of law. Thus, any unsuspecting lawyer who picks up the book hoping to be lead gently through an introduction to this growing area will be in for a surprise.

The second point is, for those who are not afraid to get their hands dirty in computer science, then this is a seminal work. Now, some three years after it was published, it remains perhaps the best description of how to use cases in legal knowledge based systems.

Kevin Ashley is a Professor of Law at the University of Pittsburgh, who having spent years in commercial practice, went back to school, and obtained a PhD in computer science. This background makes him one of the top researchers in the field of artificial intelligence and law, and this book is based upon the PhD dissertation which propelled him to the lofty heights he now enjoys.

The fundamental premise of the book, and of Hypo, the computer system Ashley built, is that lawyers do not want an 'answer' to a legal problem. In keeping with their duty to their clients, what lawyers actually want is persuasive arguments which they can present to a court or the opposing side.

Thus, Ashley constructed his system to be able to argue both sides of a given case, and to present both those sides to the user so that he/she would be able to see what arguments the other side might use against the client.

This was, and remains, revolutionary. Up until then, most if not all legal expert systems simply provided one answer, as though that were all that the user could need. Ashley, a trained and experienced lawyer, recognized the limits of this approach and went beyond it.

If that were all that Ashley did then it would be remarkable. He went further however. His system not only argues both sides, it does so from cases alone. Unlike the early rule-based expert systems described in works like Tyree's *Expert Systems in Law* [See review this issue—Eds] or Susskind's *Expert Systems in Law—A jurisprudential approach*, Ashley worked in an area where there were no rules outside of those which could be derived from cases.

Thus Ashley is able to show in this book, and demonstrate with algorithms, data structures and code, the way in which we can go about developing legal knowledge based systems in a case law domain.

The book goes through each element of the program, describing how it fits into the larger operation of the system. It also talks about using this model as an example of adversarial reasoning generally. As such it points the way for others to follow.

This is by no means a book for the beginner. But for those who wish to learn what the future holds and how to get there, this book is vital.

The Legal Protection of Trade Secrets

Allison Coleman

Sweet & Maxwell, 1992, xviii + 149 pages

Hardback $120.00

ISBN 0-421-47170-0

Distributed by The Law Book Company

This is a slim work, which if one excludes the appendices, contents, indices and so forth, comes in at only 110 pages. It also comes in a lurid pink cover which is not exactly my taste. These criticisms out of the way, I am pleased to report that the book is well written, though—as with all imported books of this type—quite expensive.

This book is very relevant for the readers of this journal even though it is of English parentage. First, unlike legal disciplines such as copyright or patents, trade secrets is a creature of the Common Law. Hence we have no real problems with the UK's entry into the EC and changes in the legislative regime of the UK. This problem, which plagues statutory intellectual property fields like copyright, does not apply here. Secondly, the author has not sought to examine just UK law, but also discusses American and Canadian law. This comparative approach has great merit in such an amorphous and changeable area as trade secrets.

As anyone with a passing knowledge of confidential information will recognise, there are three requirements at Common Law in order to mount a civil action for breach of confidence:

1. the information must be confidential;

2. there must be an obligation of confidence; and
3. there must be an unauthorised use of the information.

After the introduction, chapter two begins with a description of the different types of confidential information. It is here that one of the themes of the book becomes apparent. In describing the sorts of situations where information has been found to be confidential, the author spends more time than one might expect on the relationship between employers and employees. Other situations where information may be confidential are given fairly short shift.

This emphasis is reflected also in an entire chapter (chapter four) on the obligation of confidence imparted by the employer-employee relationship. Though the author does discuss other more general obligations of confidence in chapter three, there does seem to be an unnecessary emphasis on this type of relationship.

In chapter five there is an interesting discussion on the juridical basis for trade secrets law and the basis also of the public interest in disclosure of confidential information. Again, while this discussion begins as a general discussion, and actually briefly looks at the situation in the USA and Canada, it closes with specific analysis in terms of the employer-employee relationship.

There is quite a good analysis of criminal provisions which apply to trade secrets law, though here the differences between English criminal law and ours makes this section of less relevance to this audience.

If this book did not have such a focus on employment aspects then I believe it would be of more general application. It is nonetheless quite a good introduction, though it cannot compare in depth of discussion and relevance to Dean's *The Law of Trade Secrets.* [Also reviewed in this issue—*Eds*].

Copyright in Free and Competitive Markets

Professor W.R. Cornish (Ed)

ESC Publishing, 1986, vii + 138 pages

Paperback $42.00

Distributed by The Law Book Company

This book is a collation of the papers and comment presented at a study session of the British Literary and Artistic Copyright Association and its parent body, the Association Littéraire et Artistique Internationale.

The study session, held in Oxford in 1985, brought together a number of people from groups associated with the ALAI in order to discuss the difficulties in reconciling some aspects of copyright law with the basic societal interest in perfect competition. That the session occurred in 1985 indicates that the EC is far ahead of Australia and New Zealand in its concerns over the intersection between these two fields of law.

The session was conducted in both French and English, and the two major papers of this book are reproduced in both languages. The other papers are all in English, so those unfortunates who (like this reviewer) cannot read French will be spared any embarrassment.

The main papers are 'Copyright in the Case Law of the Court of Justice of the European Communities' by Judge R.Joliet and P.Delsaux, and 'Anti-trust Policy and Copyright: The United States Experience' by David Ladd. These two papers are an excellent overview of the two most important domains of competition law.

The US has a long and distinguished pedigree in antitrust law and policy and Mr Ladd's paper presents a clear analysis of antitrust law in relation to copyright and in particular collective agencies. This is an important sub-category of antitrust law and policy, though the issues raised by collective action do not immediately concern computer companies. However, the question of cartelisation is one which is closely related (indeed virtually identical to) collective action, and this is an area which is beginning to trouble the computer industry.

The paper of Messrs Joliet and Delsaux looks primarily at parallel importation within the EC, and explains the important *Coditel* case. This topic is one which is of obvious application to the computer industry: witness the recent PSA's and CLRC's reports into this question.

There are also included a number of other commentaries and papers and which complement these main papers which look at issues from the Austrian and Nordic perspectives.

In summary, the book is a useful and erudite examination of the antitrust/copyright divide, from the vantage of the literary and artistic communities in the EC.

Whale on Copyright

Jeremy Phillips, Robin Durie & Ian Karet

Sweet & Maxwell, 1993, xiv + 170 pages

Paperback $75.00

Distributed by The Law Book Company

There should be more books like this. For those who are unfamiliar

with Whale, the book's *raison d'etre* is to explain Copyright law to laypersons, in non-technical, non-jargonistic, non-threatening language. This idea was conceived and the book brought into the world by Royce Whale, who was a non-lawyer and saw that it was necessary for business people to understand at least the fundamentals of copyright. The work is now written by three lawyers, which does make one stop to ask whether it still performs its avowed function. Luckily, it does.

The first three chapters give, in turn, an explanation of the evolution of copyright, the theory behind copyright and the source of copyright. These chapters are so clear and well written that they could easily be set as introductory material for a copyright course in a law school. It covers the Statute of Anne, Macauley's concerns with copyright, moral rights and continental systems and the basis for English copyright law.

Chapter four explains the division of the Copyright, Designs and Patents Act, and chapter five asks 'Whether I can claim benefit of copyright.' This chapter is structured so that someone can quickly find whether her/his work qualifies (at least under the English Act, though of course the Australian and New Zealand acts are generally the same).

Then there follows the usual necessary chapters detailing duration and scope of copyright, who owns copyright and various miscellaneous provisions. There is also a discussion of moral rights, though here there may be some difficulties for antipodean readers. Whereas the UK Act specifically provides for moral rights (largely as a result of the UK's entry into the EC), the Australian and New Zealand Acts have very different levels of protection for moral rights.

There are a number of specific chapters which, along with the usual ones on infringement and remedies and so on, are worthy of note in this short review. Chapter ten outlines the so-called Copyright/Designs overlap. That is, where a copyright work has been applied to an industrial product and thus qualifies as a design under the Act. Similar problems occur in this part of the world, and the approach of the UK Act is a useful counterpoint to our provisions.

There is also a very clear and useful chapter on the international treaties and conventions which affect copyright, along with a summary of the differences in US law.

In the space available, it is impossible to examine all the chapters of note. Although it is a work from the UK it explains the basics of copyright law so clearly that it is worth buying if what you need is a concise and comprehensible overview of the way copyright works.

For those people who do not have need to consult specialist copyright tomes, but need a practical introduction and thumbnail sketch, this book is worth more than a passing glance.

The Law of Trade Secrets

Robert Dean

The Law Book Company, 1990, l + 629 pages

Hardback $152.00

ISBN 0-455-20806-9

If any intellectual property discipline has been ignored in information technology law, then it must be trade secrets. Trade secrets has the potential to change the entire landscape of intellectual property protection of computer material. Yet, there is virtually no reported trade secret law specifically relating to information technology, and so most people, lawyers and laypersons alike are unaware of the utility of this law.

Robert Dean's book then is an extraordinarily valuable addition to the library of any practitioner who professes to advise the information technology industry. Indeed, the book is such a substantial contribution to the learning on intellectual property that it should be on all intellectual property lawyer's desks.

He begins by defining the scope of trade secrets and then by re-assessing the jurisdictional basis for the protection of trade secrets. He is no doubt correct that the basis is multi-jurisdictional and relies on aspects of Equity, property and contract. He spends a great deal of time discussing the issue, since it affects the overall understanding of the cases throughout the remainder of the work.

The book is then divided up into four other main parts. The first deals with the question of Equity and how it has and can be used to protect secrets. There are large chapters on the duty of confidence and where it will arise, on the position of fiduciaries, employees, third parties and so on.

This makes this part of the work very useful. The division along these lines makes it simple for the practitioner to consult only those relevant chapters when confronted by the unhappy client. This part then closes with an examination of the defence of public interest, and then the remedies available to the equitable plaintiff.

The next part relates to commercial privacy. Here there are a range of chapters of specific use to certain groups: one on trespass and conversion, one on economic torts, and one on restraint of trade agreements. Then there is the very timely section on confidential information in the computer industry.

I was disappointed to note that Dean spends a great many pages discussing computer copyright and patents, two topics I should have thought were outside of his topic. They are reasonably well handled, though I felt he could have spent more time examining the question of protection of computer material which falls outside of the traditional areas of copyright and patent. It strikes this reviewer for one that confidential information actions are a huge untapped source of litigation in this computer law field.

The final two parts discuss litigation and statutory protection of trade secrets. On the litigation side, he mentions Anton Piller orders, a number of practical steps, and focuses on the ways of drawing the actions discussed in the text. As to the statutory component he mentions the various wiretapping regimes which are available.

He closes with a number of appendices. These are very practical and useful. They include: a list of Anton Piller case indexed according to subject matter, a characterisation of secret information cases by subject matter, statements of claim for breach of confidence and breach of fiduciary duty, and draft orders for an Anton Piller order and an order for protecting secret information from disclosure in discovery.

All in all, a truly compendious and wholly useful re-examination of this area. It is both scholarly and practical and so should be consulted by anyone who is concerned about protecting information. Every lawyer advising on protecting computer material should question whether trade secrets law is useful, and look to Dean to provide the answer.

Copyrights in the World Marketplace

Richard Wincor

Prentice Hall Law & Business, 1990, xii + 191 pages

Hardback $99.95

Distributed by The Federation Press

I am somewhat at a loss as to what to think about this book. It is an unusual work in a field which is oft overburdened with enormous, and one suspects rarely read, tomes.

First, the book comes in at a light 191 pages, of which 110 pages are precedents. Second, it is not aimed at any jurisdiction, and instead seeks to straddle international boundaries by giving vague advice and conceptualisations about 'international' copyright.

Wincor has deliberately done this. As he says:

> '...something is missing in the professional literature, namely a concise overview of key points that arise with international trade in communications. Collections of case precedents have no place here. Quite different concerns need to be addressed, issues strangely elusive and difficult of orderly presentation. The attempt is a little daunting, but worth a try.'

Two points strike this reviewer. Wincor writes very well (the liner notes that he has published two novels, a chess treatise and a Christmas opera, along with other more mundane legal books) and moves the discussion along well.

That said, one must question why this book ever came into being. I cannot, for the life of me think who would read it. The eighty pages devoted to the discussion must be simple (since intellectual property is so different among jurisdictions). One is left with comments such as

> 'Just as a commuter train, for example, takes on new passengers at successive stops, and the passengers present tickets for the journey, so a variety of [intellectual property/copyright] rights may be pictured as being gathered on board, with warranties as the equivalent of boarding tickets.'

While I have no concerns about using simple analogies, I just do not think that this level of discussion helps anyone. Perhaps someone in business who needed an entry-level introduction could use such an explanation.

If such persons did use the book, they should be given clear warnings not to use the precedents given without an expert's help. Many of these are useful to provide a focus for debate and negotiation, but I find all too often clients seeking to save money use standard forms to their eventual great cost.

Those non-specialists who need a clear introduction to the commercial considerations of intellectual property would do better to consult Pearson and Miller's *Commercial Exploitation of Intellectual Property* [Blackstone Press, distributed by The Federation Press—*Eds*]. Though Pearson & Miller's book is not aimed specifically at international media rights, it provides a more useful way of introducing the issues in exploiting intellectual property.

Looseleaf Updates

The following is a list of the contents of the latest updates of looseleaf services previously reviewed in this journal.

Computer Contracts, Hughes & Sharpe, Law Book Company

Release 1: EDI Trading Agreements (short form model EDI trading agreement, standard EDI agreement), Marketing Precedents (Value Added Remarketing Agreements, Joint Marketing Agreements), Contractor Services Precedents (Contractor General Services Agreement, Contractor Placement Agreement, Contractor Provision Agreement), Confidentiality and Assignment of Copyright (Confidentiality Agreement, Assignment of Copyright Deed)

Release 2: Types of Contracts (Contractor Agreements, Distributorship Agreements, Marketing Agreements, Shrinkwrap Agreements, Systems Integration Agreements, Turnkey Agreements), Express Terms (Contract Clauses, GITC, Standards), Implied Terms (Breach of Warranty, Previous Dealings), Intellectual Property Issues (Circuit Layouts Act, Copyright in Modified Code, Data Protection Legislation, Design Protection, 'Look and Feel', Parallel Importation, Passing Off, Reverse Engineering) Remedies (Anton Piller Orders, Damages)