



Inner Temple Library Newsletter

Welcome to the Inner Temple Library's quarterly electronic newsletter. The newsletter aims to keep members and tenants of the Inner Temple up to date with news and developments in the Library.

All feedback is welcome and can be sent to librarynewsletter@innertemple.org.uk

Future Provision of Library Services

The Executive Committees of the Inner Temple and the Middle Temple have commissioned CHEMS Consulting to carry out a feasibility study to investigate the potential benefits of merging their Libraries and creating a Joint Education and Advocacy Centre. The [Treasurer's statements](#) about the study may be viewed on the Library's web site.

One element in the feasibility study is to assess what the demand for library services is on the part of the Bar, students and other members of the Inns, and how it is currently being met. Both Inns also want to consider what services a merged library should offer its users if a merger were to proceed.

A survey questionnaire has been developed by the consultants in order to get the views of Inner and Middle Temple members and tenants and other Library users. From 29th June to 17th July the survey was available in electronic form on the Inns' web sites and in printed form in both Libraries. Members and tenants of both Inns were also emailed about the survey. The results are now available via the Library's web site. To view the results of the surveys [click here](#).

The results of the feasibility study are likely to be available in the late summer and no decisions are anticipated until much later in the year, after full consultation with members and staff, and consideration by the relevant Inn Committees, Bench Table and Parliament.

Saturday Opening

One of the four Inn Libraries is open from 10.00 a.m. to 5.00 p.m. on each Saturday during the legal terms.



August	CLOSED
September	
26 September	Inner Temple
October	
3 October	Lincoln's Inn
10 October	Middle Temple
17 October	Gray's Inn
24 October	Inner Temple
31 October	Lincoln's Inn
November	
7 November	Middle Temple
14 November	Gray's Inn
21 November	Inner Temple
28 November	Lincoln's Inn

To view a Saturday Opening Timetable up to July 2010 click [here](#).

Summer Opening

Summer opening hours begin on Monday 3rd August.

During August and September the Library will open at 9.00 a.m. and close at 5.30 p.m. Late opening will resume on Monday 14th September.

The Library will be closed for two weeks in August (17th - 28th) so that general maintenance work may be carried out.

To view a Summer Opening Timetable for all four Inn Libraries click [here](#).



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Outreach to Schools

Earlier this year the Library was involved in one of the “Becoming a Barrister ... Your Call” events organised by the Inn’s Education and Training Department and the National Education Trust. This is part of a series of activities aimed at increasing school students’ knowledge of what is involved in training to be a barrister and what the daily life of a barrister is like.

The 38 Year 12 students were split into 3 groups and given a set of legal research questions to answer using resources in the Library. The questions, which were devised by Library staff, included: can solicitors wear wigs in court?; can you find the Greenwich Improvement Act 1823?; what is the age of majority in Trinidad and Tobago?; can you find a recent case where a businessman sued for damages after a false profile and a group called “Has Mathew Firshet lied to you” were set up on Facebook?

The idea was to encourage the students to use different types of material in the Library and to demonstrate that barristers have to use all kinds of resources in the course of their work and not simply rely on the Internet.

The students took a good deal of interest in the tasks and Library staff were impressed with their enthusiasm and determination to find the answers.

The Library has been involved in several aspects of the Schools Project programme and looks forward to continuing to participate in future activities to be organised by the Inn’s Education and Training Department.



School students carry out research in the Library

Preparing for Pupillage

The Library is running tours for new pupils. These tours are designed to assist pupils in finding materials in the Library and to update them on the many services the Library has to offer.

The tours will last about 30 minutes and can be booked by contacting tdennis@innertemple.org.uk.

Library Tours for BVC Students

The Library will be running tours for BVC students on the following days: 7th September to 11th September; 14th September to 18th September. Tours, lasting 30 minutes, will begin at 10.30 a.m., 11.00 a.m., 11.30 a.m., 12.00 noon and 2.30 p.m. On 17th September tours will only be available in the afternoon. There is no need to book in advance. Please come to the Library on the day and time you have chosen and wait at the main entrance on the second floor. For further details contact tdennis@innertemple.org.uk



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BAILII: An Update

by Joe Ury, Executive Director

We are very grateful for the financial sponsorship we have received since 2002 from the Honourable Society of the Inner Temple and from the other Inns of Court. A visit to our site (www.bailii.org) will show how much we have achieved since last year, and we refer below to a number of areas where developments have taken place.

BAILII's recent user logs indicate that at least 152 academic institutions and other organisations in the UK link to the site. Much of the educational activity is within electronic learning environments, e.g. blackboards, course reading lists with links to BAILII, distance learning programs, etc. We are currently averaging from all types of users about 450,000 page views per week.

Users can now see, via a link on the home page, the judgments viewed on BAILII most often in the last week broken down by jurisdiction – just a small thing but indicative of how responsive we are to users' requests.

OpenLaw project

An example of what BAILII can achieve with continued support was the OpenLaw project. Over a two year period, in collaboration with academics, librarians, and special interest groups, such as the Society of Legal Scholars, and through review of subject syllabuses, we identified and added to BAILII judgments that are important in the core teaching areas of law. We sourced, scanned and converted over 2,500 of the judgments identified.

Although the OpenLaw project itself is now closed, BAILII is in contact with legal publishers with a view to the "freeing up" of more historic judgments for publication on the website. In fact in this past

year the Scottish Council of Law Reporting gave us permission to publish approximately 600 Scots judgments that are frequently cited by the judiciary and are important in the core teaching areas of law.

LawCite

BAILII is part of an international community of Legal Information Institutes (LIIs) and actively participates in pursuing the common goals of this community: to promote and support free access to public legal information throughout the world, principally via the Internet; to cooperate in order to achieve these goals and, in particular, to assist organisations in developing countries to achieve these goals, recognising the reciprocal advantages that all obtain from access to each other's law; to help each other and to support, within their means, other organisations that share these goals.

LawCite (www.lawcite.org) - the incomparable free-access international citator, which was launched by the Commonwealth Legal Information Institute (CommonLII) on 1 December 2008 as a collaborative project of the legal Information Institutes, is a demonstration of the value of this community.

LawCite is an automatically generated international legal case citator. It will allow you to locate judgments and to see how these have been subsequently dealt with and commented upon - perhaps throughout the world. In many ways, LawCite is similar to the editorially produced commercial legal citators, although its approach is rather different.

LawCite is being built as part of a three year project funded by the Australian Research Council in cooperation with a number of Australian courts and other commercial and non-commercial organisations. It is being developed at AustLII in collaboration with a number of other members of the Free Access to Law Movement - in particular BAILII, HKLII, PacLII, SAFLII, NZLII and CYLAW.



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Some key facts about LawCite:

LawCite is free. The code that it uses is also open source and is freely available for non-commercial use.

LawCite is automatically maintained and so is always up to date. New cases are generally available within 24 hours of publication on any collaborating LIIs and availability is via WorldLII.

LawCite is comprehensive and consistent. It includes all references to all decisions that it can identify. There is no editorial decision-making as to what is included and what is not.

LawCite is international. Over 15,000 law report and journal series are currently indexed and there are over 2,000,000 cases and law journal articles in the database from around the world. The current emphasis is on common law countries, but this is being gradually extended to include civil law jurisdictions as well.

Historic English Reports from Justis

On the same launch day as LawCite, another collaborative effort, this time between CommonLII and the legal publisher Justis, was launched. This is a database containing *The English Reports* 1220-1873 (available at www.commonlii.org), giving the world for the first time free access to the depths of common law legal history.

Secondary materials

We have begun to include secondary materials on BAILII. For example, we have created databases with the cooperation of the Law Commission, the NI Office of Law Reform, and the NI Law Reform Advisory Committee. Several legal textbooks and two journals are now available on BAILII, and we are considering another project to provide an archive of case commentaries.

The future

With the exceptions of one-off funding for specific projects or cooperation with outside organisations on such projects, BAILII takes care to operate within a budget defined by the amount of **sustainable** ongoing funding available. This to a certain extent keeps our main efforts in a fairly well defined area of operation as set out in our initial mission statement:

"... building and operating an interactive database of full-text primary and secondary legal materials"

Our longer-term aim is to achieve Richard Susskind's vision of developing:

"a corpus of [UK] law like no other: a resource readily available to lawyers and lay people, a free web of inter-linked materials, packed with scholarly analysis and commentary, supplemented by useful guidance and procedure, rendered intensely practical by the addition of action points and standard documents, and underpinned by direct access to legislation and case law" (Times Online, April 11, 2006)

The degree to which BAILII, within its resources, can be part of this is as yet untested but we will at the very least continue to provide the necessary backbone of primary materials for any new web venture, as we do now for so many websites, blogs, wikis etc. And as always BAILII is available to cooperate with projects that add to the overall effort towards achieving these aims.

BAILII relies on charitable funding to maintain its service and to enable it to enhance and extend its services to the legal profession, academic community and the general public. For BAILII to continue, it is essential that we continue to receive the funding which we need in order to meet our costs.

Again we thank the Honourable Society of the Inner Temple and the other Inns of Court for the substantial support they give to the BAILII project.



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AccessToLaw: Family Law

This issue of the newsletter focuses on the [Family Law](#) section of AccessToLaw, which brings together a range of web sites relating to this area of practice.

Government agencies

The section includes links to the web sites of a number of government departments and agencies. **The Ministry of Justice: Family Procedure Rules** page covers the Adoption Rules 2005, and relevant practice directions and forms. The **Department for Constitutional Affairs: Family Matters** page, which has been retained for archive purposes after the formation of the Ministry of Justice, covers family policy, divorce, mediation, domestic violence, children and mental incapacity.

Her Majesty's Courts Service: The Family Division includes Daily Lists for the Family Division, practice directions and guidance documents. The Family Law Bench Book is available via **Judicial Studies Board: Family Law**. **CAFCASS** (the Children and Family Court Advisory and Support Service) has a web site which, although aimed at the general public, includes a selection of publications and reports, and an archive of press releases.

The **Child Maintenance and Enforcement Commission** and the **Child Support Agency** are responsible for operating the child maintenance system in England and Wales, and their web sites have basic information about the system. Complaints made by users of these agencies are investigated by the **Independent Case Examiner**, whose web site includes information on the complaint procedure.

Every Child Matters: Adoption is part of the web site of a cross-governmental programme providing support and opportunities for children and young people, and includes links to relevant legislation,

circulars and consultation documents. The **Official Solicitor** site deals with issues to do with child abduction.

Barristers' chambers and law firms

The section has links to the web sites of two leading chambers in family law. **1 Hare Court's** web site includes recent cases (either digests or links to full-text) in which members of chambers have appeared as well as a range of useful data and calculators, and **4 Brick Court** has a selection of articles relating to family law as well as a family law updater archived from December 2007 onwards.

The **International Family Law Group's** web site includes a wide range of articles and guides, and IFLG consultant **David Hodson** also has a selection of articles on his own web site. **Manches: Family** has a collection of digests of leading cases as well as journal articles written by members of the firm. A site recently added to AccessToLaw is **Alternative Family Law**, the web site of a firm dealing with all aspects of family law, but putting particular emphasis on alternative dispute resolution and issues relating to same-sex relationships.

Other sites

Family Law Week is a web site providing current awareness and training for family practitioners. It includes case law, articles, and newsletters 2005 onwards, as well as a legislation updater. The general editor of the site is Stephen Wildblood QC.

The **Family Law Bar Association** web site has a "public noticeboard" with recent developments in family law and procedure, and the **Association of Lawyers for Children** site includes responses to proposed legislation and a collection of useful links. The **Shared Parenting Information Group** has a web site including information about parenting plans and separation agreements, as well as guidelines for



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separating parents and lists of case law and articles.

Getting Your Get is a guide to divorce according to Jewish law, written by solicitors Sharon Faith and Deanna Levine, while **Islamic Family Law** presents the results of a global study of Islamic family law carried out by the Law and Religion Program at Emory University, Atlanta, Georgia between 1998 and 2002.

Also included is **International Family Law: a Selective Resource Guide**, written by Marilyn J. Raisch of the Bora Laskin Law Library, University of Toronto, which has information on international family law with comment on and links to web sites, major documents, treaties and periodicals.

Selected Resources on Family Law available in the Library

Loose-leaf Publications

Butterworths family law service / ed. P.M. Bromley et al.

Clark, Peter
Practical matrimonial precedents

Emergency remedies in the family courts / ed. Nigel Fricker

Law Reports

Butterworths family court reports

Family law reports

Journals

Family law

Practitioners' Texts

Bedingfield, David
Advocacy in family proceedings: a practical guide (2005)

Bromley, P.M.
Family law, 10th ed. (2007)

Cretney, Stephen M.
Principles of family law, 8th ed. (2008)

Douglas, Gillian
An introduction to family law, 2nd ed. (2004)

Family court practice (2009)

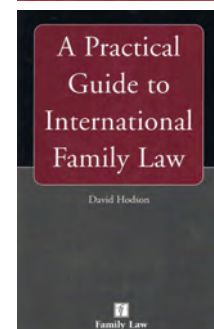
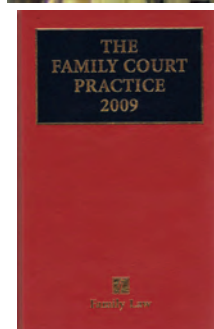
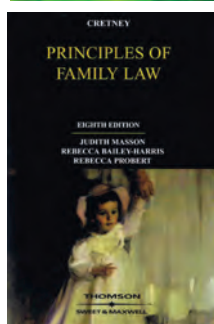
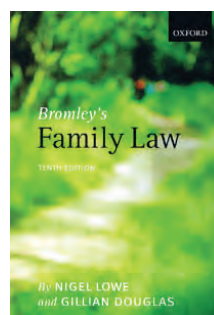
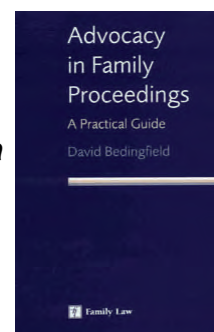
Hodson, David
A practical guide to international family law (2008)

Humphreys, Thomas S.
Humphreys' family proceedings, 20th ed. (2002)

Jackson, Joseph
Jackson's matrimonial finance and taxation, 8th ed. (2008)

Miller, J. G.
The family creditors and insolvency (2004)

Rayden, William
Rayden and Jackson on divorce and family matters, 18th ed. (2004)

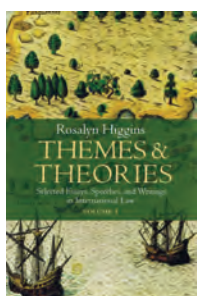




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New Acquisitions

Unusually, three of our most recent acquisitions have an international law bias. William Boothby's *Weapons and the law of armed conflict* brings together the law of armed conflict governing the use of weapons into a single volume. It interprets these rules and discusses the factors influencing future developments in weapons law. The treaties and customary rules applying to particular categories of weapon are stated and explained article by article and rule by rule. *The law of command responsibility* by Guénäel Mettraux is a study of the law of command or superior responsibility under international law. This doctrine, born in the aftermath of the Second World War, provides that a military commander, a civilian leader or the leader of a terrorist, paramilitary or rebel group could be held criminally responsible in relation to crimes committed by subordinates even where he has taken no direct or personal part in the commission of these crimes.



To coincide with Dame Rosalyn Higgins's retirement as President of the International Court of Justice, OUP have brought out *Themes & Theories*, a handsome two-volume collection of her most important writings as a scholar, a member of the UN Human Rights Committee, and as judge and President of the

ICJ. These are wide-ranging and include legal theory, United Nations law, humanitarian law, the use of force, state and diplomatic immunity, human rights, and natural resources law. We are most grateful to Master Higgins for presenting this collection to the Library.

To turn to English law: *Mental health tribunals: law, practice and procedure* by Jonathan Butler provides a guide to the new law in operation since November of last year, when the new First-Tier Tribunal (Mental Health) was created, and is a practical reference work for all those

appearing before the Tribunal and for Tribunal members themselves. Detailed explanatory commentary on the organisation, procedure and jurisdiction of the Tribunal is followed by an analysis of Tribunal powers in relation to both non-offender and offender patients.

David Marshall's *Compensation for stress at work* (a timely arrival in our present circumstances) sets out the legal framework which defines the duties of the employer and the rights of the employee for stress, harassment and bullying at work. An examination of the common law principles clarified in *Hatton v. Sutherland*, and developed in subsequent case-law, is followed by discussion of statutory liability for harassment; Marshall then goes on to look at the causes of action available in the employment tribunal.

Human fertilisation and embryology: the new law by Dewinder Birk provides an authoritative commentary on the regime created by the HFE Act 2008, highlighting areas of potential difficulty and offering practical guidance.



Recent new editions to note include *Banks on sentence*, †Charles Arnold-Baker's *Local council administration*, *Cross on evidence* [New Zealand edition], Hannigan's *Company law*, Ashworth's *Principles of criminal law* and *Goode on payment obligations*.

As ever there are a number of authors, co-authors and editors to whom we owe thanks for having kindly presented works to the Library: Master Beatson for *Unjustified enrichment*, edited by Beatson & Schrage, and also for *Good faith and fault in contract law*, edited by Beatson & Friedmann; Simon Mortimore QC for *Company directors: duties, liabilities and remedies*; Gregory Treverton-Jones QC for *The Solicitors' handbook 2009* by Hopper & Treverton-Jones; Anthony Radevsky for *Hague on leasehold enfranchisement*; and Master Popplewell for his memoir *Hallmark: a judge's life at Oxford*.



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Charles Arnold-Baker, 1918-2009

Charles Arnold-Baker O.B.E., whose funeral took place in the Temple Church on 14th July, was a resident of the Inner Temple for over 60 years, and will be remembered as a valued friend and supporter of the Library. The following obituary first appeared in *The Times*, and is reprinted here with permission.

The magnificent Companion to British History, an epic tome with thousands of facts — and opinions — on anything from minor 20th-century politicians to the Ottoman Empire or gout, was written in the tradition of the gentleman amateur: one man, Charles Arnold-Baker, compiled the 1,400-page encyclopaedia in his spare time. Never accustomed to more than four hours' sleep a night, his days were already adequately filled with the running of the National Association of Parish Councils, lecturing in law, architecture and arts administration at City University, London, and, despite never learning how to drive, being deputy traffic commissioner for the East of England.

Arnold-Baker, who had been called to the Bar in 1948, was no professional historian. The Oxford University Press had asked him to be the Companion's author in 1960 on the strength of his revision of *Everyman's Dictionary of Dates*. The book's first run had been full of errors, which Arnold-Baker had noted in a letter to the publishers in the early 1950s. To his surprise, they replied asking him to provide them with a new edition. This appeared in 1954, and amply demonstrated the erudition and aplomb that OUP desired for its project.

Arnold-Baker accepted the challenge light-heartedly, although it was another 37 years before the book was completed, during which time he severed relations with OUP. As his manuscript swelled, the publishers became unhappy with its



idiosyncratic style. Arnold-Baker was refusing to hold back from his entertaining asides, and he paraded his illuminating prejudices unmasked. While it was just these elements that eventually made the work so delightful, OUP failed to appreciate the character that its reference book was taking on and tried to mould Arnold-Baker's work into a more conventional textbook. Undergraduates were enlisted to vet each instalment and, the final straw, a modern history "coadjutant" was assigned.

In 1991 the work stopped and the manuscript, which consisted of hundreds of lined exercise books covered in longhand, was placed in eight steel boxes which "glowered in a corner" of his flat in the Inner Temple for the next three years. Work resumed only when Arnold-Baker's son resurrected the book.

Henry von Blumenthal persuaded his father — Arnold-Baker — to finish and set about the difficult task of getting something considered "too long, too heavy, too learned" published. With no takers, Blumenthal published the book himself: the final product appeared in 1996, weighing more than 3lb,



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despite being printed on special thin print paper supplied by a cigarette manufacturer. It proved a great success.

Charles Arnold-Baker was born Wolfgang Charles Werner von Blumenthal in 1918 in Berlin — then the capital of the Kingdom of Prussia. He was the second son of Professor Baron Albrecht von Blumenthal, a member of the circle of the influential poet Stefan George. Although George was later, to his distaste, adopted by the Nazis for his poetry's emphasis on heroism and might, elements of the German Resistance were also fostered in his group, not least by Blumenthal, who introduced George to the Stauffenberg brothers, who were to be involved in the doomed plot to kill Hitler in July 1944.

Albrecht's son, Charles, anglicised his name after his English mother, the daughter of a Yorkshire industrialist, had obtained a divorce and remarried — to Percy Arnold-Baker. As a schoolboy at Winchester College, Charles also took on British nationality, although this was never a rejection of his German roots. On the outbreak of war he volunteered to free his country from the Nazi yoke.

By this time, he had a year to complete his history degree at Magdalen College, Oxford, and his recruitment was deferred until he sat his finals, in the summer of 1940, when he joined the Royal East Kent Regiment (The Buffs). He was commissioned fairly rapidly, his combined cadet force training at Winchester meaning that he did not have to pass through an officer cadet training unit. He commanded a platoon in the 70th Battalion (as a second lieutenant) that was assigned to guarding Chartwell, Churchill's home, early in 1942. A year later, following in the footsteps of his elder brother, Richard, Rudolf Hess's interrogator, Arnold-Baker transferred to MI6. There his intellectual talents were put to

better use, although his efforts were not always appreciated. He felt bitter when the Brussels office of MI6, which included the journalist and writer Malcolm Muggeridge, took credit for the work he and his boss Richard Gatty did in rounding up the entire network of German spies in Antwerp on the eve of its liberation.

He was also frustrated in passing on intelligence that he learnt from the German officers — including the deputy commandant of Auschwitz — he interrogated in Norway after its invaders surrendered in May 1945. It later transpired that some of his superiors, to whom he had been passing on discoveries about the Soviet threat, were themselves Soviet spies. Indeed, one of his close colleagues had been Kim Philby, whom he from the start had considered “very, very nasty”.

After the war he studied law, and a chance meeting with an old colleague from MI6 led to a job offer in the Admiralty Division. Likeable but never particularly clubbable, and perhaps with inclinations a bit too left of centre, he found that chambers did not suit him and, at 34, he left law and became secretary of the National Association of Parish Councils. This he transformed into the union for all rural and local councils in England and Wales, the NALC, which he also headed. He was a passionate advocate of local government and presented his views on an international platform as well as writing extensively on the subject. He was appointed OBE in 1966.

In 1977 came another switch of career when he began to lecture at City University: although he had no formal training in much of what he taught, he was a respected and popular teacher. This he balanced with his work as the “major-general of traffic wardens”, licensing haulage vehicles in the East of England, and as an occasional broadcaster on Radio 4.

A great polymath, everything he turned his hand to



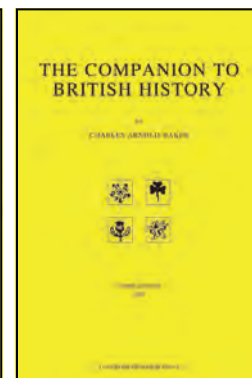
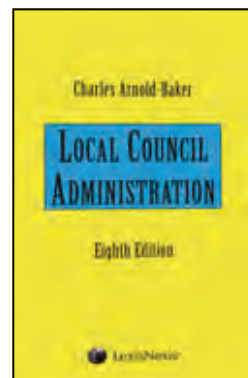
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seemed to come to him naturally and he launched into his projects with great energy. Even when nearing his 90th year he continued to work on revisions of the Companion, and fulfil ambitious travel plans — to Urbino, by train, or to Cambodia. His memoirs, *For He is an Englishman: Memoirs of a Prussian Nobleman*, were published in 2007.

He also spent much of his last years in his little flat nursing his wife, Fanny, whom he married in 1943. Arnold-Baker was received into the Catholic Church as he lay dying. His wife survives him as do their son and daughter.

Charles Arnold-Baker, OBE, was born on June 25, 1918. He died on June 6, 2009, aged 90

Charles Arnold-Baker's autobiography *For he is an Englishman*, his *Local council administration* and of course the *Companion to British history* are all held in the Library.



Charles Arnold-Baker (far right) attends a party to mark the 50th anniversary of the rebuilding of the Library (2008)