

Practical Solutions . . .

Orienting New Employees: Law Libraries 101*

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Facing the prospect of starting a new law school library with a staff that included both librarians and assistants without any law library experience, Mr. Yessin and his colleagues sought to overcome this hurdle by developing a basic guide to law libraries and legal materials. Although their focus was on academic libraries, much of the information in the guide, which is provided here, would be useful in orienting new employees in any law library setting, and for informing library school students about the profession.

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Introduction

¶1 Imagine the excitement of joining a newly formed law library staff, brought together as a team to build a functioning library for a new law school. We were a group of committed individuals filled with enthusiasm for our challenging and important task. Wonderful. There was just one small detail, one fly in the ointment. Of the six librarians, two had never worked in a law library. Neither had any of the four library assistants or the office manager. Hein, Gaunt, LexisNexis, West—all these vendors with whom we deal every day in a law library setting were foreign to those not initiated in this culture.

¶2 What is a reporter? What is its significance? We didn't have a common knowledge base. We realized that the fundamentals of the law library environment needed explanation. We also utilize the law collection at the nearby county library. As our staff and its staff would be working toward a common goal—providing service to our law students—it became imperative that we develop a method to explain terminology so that both our staffs were on the same page, so to speak.

¶3 We developed the guide that is included in this article as our solution to the problem of providing basic information about legal materials and libraries to new employees without law library experience. Having found nothing in the literature that would meet our specific needs, we decided that creating our own would allow us to personalize the guide to our situation. Many of the questions raised and explained were actual queries submitted by our staff members. Why did we choose to use a written guide instead of simply providing the information orally? We felt that a document could be taken to one's desk and into the stacks; it was readily transportable. We gave a copy to each staff member so it could be reviewed individually or with others without group pressure. Nonetheless, during the course of six staff meetings we did discuss each item. Law reviews, microfiche, and our favorite—Shepardizing—were examined so that everyone knew the importance of the item and where it fit in the scheme of a law library. Finally, another reason for a written guide is that as a document it could, and will be, revised.

¶4 The combination of handouts and discussions worked well. If we were to do it again, we would want to make it more entertaining, place clip art in the paper, bring examples of the referenced legal books, and employ other teaching tools. Nevertheless, the staff with no legal background learned a great deal, and the experienced law librarians now have a training tool that can be used at other times. For readers who find this approach appealing, we recommend giving a copy of this article to all library staff. Of course, libraries will want to adapt the guide to the geographic, institutional, and other unique circumstances of their particular law library situation. Finally, even established libraries who bring in only a few new employees might want to use the material, although they may wish to cover it in a setting other than a formal staff meeting.

Law Libraries 101

What Is a Law Library?

¶5 There are different kinds of law libraries, but what they have in common is that they contain print and/or electronic resources that pertain to the law. A law library may contain some materials for the layperson (a person not trained in law), but generally a law library has materials that are designed for use by legal professionals (lawyers, judges, law professors, etc.) or for students preparing for careers in law. An individual doing law-related work (but not a legal professional) may also find the materials in a law library to be useful, but generally the law library is not designed for this person.

What Are the Different Types of Law Libraries?

¶6 There are academic law libraries, public law libraries (typically county law libraries), court law libraries (such as the Supreme Court library), and private law libraries (typically owned by law firms and corporate legal departments). Academic libraries are based in law schools, with the primary patrons being law students and professors. In many places, the academic law library has the most extensive collection of legal materials in the area, and in many cases members of the bar and even the general public may use the library. This guide focuses to some extent on academic law libraries, but much of the information provided is relevant to other types of law libraries as well.

What Is the Mission of the Academic Law Library?

¶7 Generally, the academic law library focuses on its main patrons, law students and law professors. Staff and students from other departments of the university are also included in the mission plan. The academic law library has to pass muster with accrediting agencies, which require a large and comprehensive collection. Also, because it is an academic library, its mission will generally involve preserving or archiving important books or documents. Its mission will probably also involve building collections in certain areas of the law, which differentiate it from

other academic libraries. Thus, an academic law library may have special strengths in such areas as international or environmental law. Many academic libraries are part of state-supported institutions, and thus must serve public patrons. (Public patrons are those who are not faculty, staff, or students of the law school, and may include attorneys, pro se litigants, or students from other schools.) However, many libraries that are part of private institutions also are open to the public, sometimes for a small fee.

What Are Pro Se Patrons?

¶8 Pro se patrons are individuals who are self-represented and do not have an attorney handling their case. There are many pro se litigants in our court system, and some find their way to an academic or public law library. Reference librarians may help them do legal research, but cannot give legal advice—that would be the unauthorized practice of law.

Are Academic Law Libraries Accredited?

¶9 While librarians of academic law libraries frequently belong to such professional associations as the American Association of Law Libraries (AALL), the libraries are generally not accredited apart from the law school of which they are a part. But every law school faces a rigorous accreditation process by the American Bar Association (ABA), and a sizeable part of that evaluation addresses the materials and services offered by the library.

What Is the Difference between Circulation, Reference, and Technical Services?

¶10 The technical services department orders and processes all materials for use in the library, and maintains the online catalog. Circulation deals with the flow of library materials to and from patrons and within the library. The reference department assists with patrons' research and helps them meet their information needs.

What Roles Do Professors Play in Running the Academic Law Library?

¶11 Law professors are a primary customer group for the academic law library. Collections may be built around their teaching and research interests, and services may be structured to focus support on law faculty needs. In some schools, faculty have a library committee that communicates interests to the library on behalf of the full faculty. In many schools, following the recommendations of the ABA, the library director also serves as a member of the law faculty.

¶12 Law school deans are the key administrators for law schools, so they also communicate important goals for the library. The library director usually reports to the law school dean, though in some settings the director reports to a separate dean for the university's libraries.

What Are the Different Types of Legal Materials?

¶13 There are various divisions of legal materials. First there is print and electronic. All books, journals, etc., produced on paper are considered print materials, as are microforms. Microforms can be microfiche, which is like a plastic card, or microfilm, which is on a reel. Electronic materials consist of CD-ROM, which contains a large amount of information on a compact disc, and electronic subscriptions, which are generally accessed via the Web. The library also has films (on VHS and DVD formats) and audiotapes, all of which can be classified as electronic.

¶14 Another division of legal materials is between primary law and secondary sources. Primary law consists of constitutions, statutes, administrative law, and court cases. Primary law is “the law” as passed by authoritative bodies. Secondary sources, such as law review articles and legal encyclopedias, comment on and explain primary law, but do not have the force of law that primary law has.

¶15 A third division is between federal and state materials. The United States system of government is based on a federal system in which the federal government and the individual state governments which retain “state sovereignty” make their own laws and regulations. A legal issue may be a federal or a state issue, depending on how the U.S. Constitution assigns it. Just as certain positions are federal (U.S. senator, president, etc.) and some positions are state (state legislator, governor, etc.), courts and judges can be federal or state. There are also county and municipal courts and judges, but these get their authority from the state government and are not very important in the academic law library. In the other direction, there is international law, which gets its authority from our federal government and other national governments.

What Are Court Cases?

¶16 Courts and judges rule on real-life controversies and write opinions that explain their decisions—these are often referred to as cases. They do not write cases based on hypotheticals. There are trial courts, or lower courts, which conduct trials, generally with plaintiffs and defendants. The loser might appeal to an appellate court, which is a higher court. Trial courts always have just one judge, while appellate courts may have seven, such as the Florida Supreme Court, or nine, such as the U.S. Supreme Court. In the library, it matters whether the court is a trial court or an appellate court. The case reporters, or books of cases, are different. For example, in North Carolina, there is a series of books called *Southeastern Reporter* which include only appellate cases in North Carolina and neighboring states. There is very little reporting or publishing of trial court cases, and it is in a series separate from the *Southeastern Reporter*. On the federal level, some trial court opinions are reported in the *Federal Supplement*. A higher percentage of appellate cases are reported in the *Federal Reporter*. All U.S. Supreme Court cases are reported in the three reporter sets, one official version and two produced by private publishers.

¶17 Rulings in judicial cases create precedents, meaning that later cases in certain courts must follow those rulings. However, cases may arise that have different facts, and the ruling may be different. Also, the precedent may be from a court that does not have “binding authority” on the court deciding the new case. In this case the precedent may have “persuasive authority,” which means the new court may consider the precedent but is not bound by it.

¶18 There are vast series of reporters, such as *Southeastern Reporter* or *Federal Reporter*, which contain many thousands of cases. A legal researcher will try to find cases that are similar to the facts at hand, in order to use them as precedent or distinguish them (arguing the older case has different facts). This is why we have so many reporters with cases, as there are pretty much as many fact patterns as there are court cases. There are also case reporters that deal with specific legal topics. For example, *West’s Education Law Reporter* includes cases that deal with issues pertaining to schools, students, and colleges and universities.

How Do Legal Researchers Find Cases?

¶19 With so many cases, it would be impossible to find relevant ones without the finding aids that have been developed. There are digests that contain brief summaries of the case rulings arranged in a topical order and subject indexes to help a researcher navigate the arrangement. There is a “citor” called Shepard’s, and a similar service called KeyCite, which allow researchers to find all the cases that have cited a particular case. This helps researchers find new cases, and it also tells them whether there are new cases that have affected the value of an old case, perhaps by overruling it.

What Is “Shepardizing”?

¶20 To shepardize a case or statute means to use a citator to find out which cases, articles, etc. have discussed the case or statute at hand.

What Are Statutes?

¶21 Statutes are bills that have been passed by legislative bodies, such as the California State Assembly or the U.S. Congress. To become a law, the bill also must be approved by the governor or president, respectively, after it has been passed by the legislative body. However, if the governor or president vetoes the bill, it still may become law if the legislative body overrides the veto.

¶22 Statutes may fill in the gaps left by courts, providing rules for a fact situation that has not been addressed by the courts. Or the legislature may enact a statute that overturns a court ruling. On the other hand, courts interpret statutes, saying what they mean in the context of particular fact situations. This is necessary because, although statutes are increasingly specific, they cannot and do not attempt to address every legal situation.

¶23 Statutes are a very important legal authority, and that is why the typical large law library will collect the statutes from all fifty states, usually in the form

of subject-arranged compilations called codes. Although some laws are the same across the states, there are many differences. Thus the particular state code must be consulted for a question about that jurisdiction.

¶24 At the federal level, the federal government publishes the *United States Code* (USC). There is a lag time of about two years for this publication. In other words, it takes about two years for an enacted law to be codified in the USC. The *United States Code Service* (USCS) and the *United States Code Annotated* (USCA) are two privately published versions of the USC. Both are annotated, which means they contain brief summaries of cases that interpret the statutes. Also there is very little lag time between enactment and publication in these versions.

What Are Constitutions?

¶25 A constitution is the system of fundamental principles by which a political body (state or nation) governs itself. This is the highest law of the land, which means that constitutional disputes often go to the highest court of a state, or to the United States Supreme Court. Each state constitution may be found in that state's code. The United States Constitution may be found in any of the three versions of the *United States Code*, but since it is so important it is found in many other sources around the library.

What Is Administrative Law?

¶26 There are two main types of administrative law: rules and regulations, and decisions. These are made by agencies or commissions that derive their authority from Congress or the state legislature. Most of these agencies or commissions are part of the executive branch of government.

¶27 Administrative rules and regulations flesh out the laws passed by the legislative branch. In other words, the regulations go into much greater detail about the law. Administrative decisions occur where the agency is authorized to hear actual legal disputes. For example, the Equal Employment Opportunity Commission (EEOC) is empowered to make decisions about civil rights violations.

What Are Updates?

¶28 There are certain ways that primary law sources (cases, statutes, and constitutions) are updated. Cases are published in multivolume reporter series, and whenever a new volume is ready, it gets added to the series. In the meantime, there are paperback books (called advance sheets) that provide access to the latest cases until a new hardbound volume is ready to take their place. For statutory code volumes, a pocket part (papers stapled together) is placed in the slot (or "pocket") at the back of the hardbound book as an update to the volume, typically on an annual basis. Once the pocket part is too large for the slot in the book, a separate supplementary pamphlet may be used until the publisher decides to revise the hardbound volume.

¶29 Whether dealing with cases or statutes, it is very important to the legal researcher to have up-to-date materials in case the law has changed. One of the main advantages of many electronic systems is the nearly immediate updating they frequently provide.

What Are Secondary Sources?

¶30 Just about every book in the library that is not a primary source (constitution, statute, administrative regulation, and court case) is a secondary source. The major secondary sources are legal encyclopedias, law reviews, ALR, and treatises.

What Are Am Jur and CJS?

¶31 These are national legal encyclopedias, which attempt to provide comprehensive coverage for a large variety of legal topics. They are arranged in alphabetical order by topic and are well indexed. AmJur is short for *American Jurisprudence 2d*, and CJS stands for *Corpus Juris Secundum*. Many states have their own legal encyclopedia.

What Are Law Reviews?

¶32 Virtually every law school publishes a law review, and many publish additional journals on specific topics. These law reviews are run and edited by law students, and feature scholarly articles on various legal and law-related topics. Indeed, law reviews are the main forum for which scholars (often law professors) write. Furthermore, it is a big honor for a student to be a member of the law review. Most law school libraries keep copies of most law reviews because they contain the bulk of scholarly research in the legal field.

What Is ALR?

¶33 ALR stands for *American Law Reports*, a multivolume series of reporters that contains many cases (like a primary source), but is best used as a source of commentary on various legal issues (like a secondary source) that present themselves in the cases.

What Are Treatises?

¶34 Treatises are secondary sources that generally present the law in a given field, often providing exhaustive treatment of a narrow subject area. They are published as single-volume works or in multivolume sets.

What Are Loose-leafs?

¶35 Loose-leaf services are compilations of primary (such as court cases and administrative regulations) and secondary materials (such as commentary) in a specific area of the law. They are published in loose-leaf binders and are updated regularly.

What Is Computer-Assisted Legal Research?

¶36 The two systems that provide the bulk of computer-assisted legal research are Westlaw and LexisNexis. These systems are used at virtually all law schools, but access is limited to law students, professors, and staff. Each contains enormous databases that allow for comprehensive legal research. Some feel that law students rely too heavily on Westlaw and LexisNexis instead of using print sources. They are powerful sources that are free in the eyes of law students (although the law library pays a substantial fee to maintain subscriptions to each service), but there are many things in print that are not available on either system. And when these students go to work, they may find that Westlaw and LexisNexis are too expensive for them to use as much as they did in law school.

¶37 Most academic law libraries also offer many databases through the main campus library. These range from legal periodical indexes to science abstracts and many fields and subfields in between. Most of these are available either when using a computer in the library or law school or by using one's library identification number. The databases are valuable for nonlaw issues that increasingly present themselves in research conducted for law cases.

¶38 There are also many computerized legal databases that are available at no charge on the Internet. These are often sponsored by governments or nonprofit organizations.

How Are Law Library Materials Acquired?

¶39 Vendors—intermediaries between publishers and libraries—are an alternative to acquiring materials directly from the publishers. Each method has its advantages. Direct acquisition from the publisher may be faster and may provide for a larger discount. Using a vendor offers the advantages of having one source for many different titles, receiving books and invoices in bulk, and providing economies of scale.

What Is Collection Development?

¶40 Collection development is the continual process of maintaining and developing both the print and electronic collection. It begins with a plan, commonly known as a "Collection Development Policy." Librarians keep this plan in mind when proposing additions to the collection or evaluating suggestions from law professors or others. There are three general processes at work in collection development. Weeding gets rid of outdated material. Updating may make outdated material current again. Selecting involves acquiring new materials.

What Are Interlibrary Loans?

¶41 Interlibrary loan, or ILL for short, is a computerized system by which libraries loan books and other materials to other libraries for patron use at the borrowing library. ILL extends a library's resources and increases patrons' access to materials;

its drawback is that it may take some time for the borrowed material to reach the patron.

What Is the Difference between Reserve and Reference Books?

¶42 Reserves are high-demand items that are segregated from the main collection to ensure their availability. They often are textbooks or other materials placed there by professors for use by students in their classes. Reserves may also include items that might otherwise “walk away” because they are used so frequently by library patrons. Reserves generally can be checked out only for a few hours at a time to ensure that they are available for other users.

¶43 Reference books generally consist of items such as general or legal dictionaries, encyclopedias, and directories. They also are high-demand items and consequently do not circulate outside the library, but patrons are free to use them in the library itself.

What Is the LC System?

¶44 Law libraries frequently use the Library of Congress classification schedules to organize books in their collection. The LC system organizes material in libraries according to twenty-one branches of knowledge. The twenty-one categories (labeled A–Z except I, O, W, X, and Y) are further divided by adding one or two additional letters and a set of numbers. Some of the branches of knowledge include political science (J) and social sciences (H).

¶45 All laws and legal-related material are classified under K in the LC system. All material dealing with United States law will be classified under KF. A third letter after KF will describe a particular state—KFM represents states such as Michigan or Massachusetts that begin with the letter M.

¶46 Numbers and letters after the main classification designation—say KF or KFM—will further define the subject and finally identify the book by title and author. For example, KF 299 P8 G74 2000 is the LC call number for *The Great Firm Escape: Harvard Law School’s Guide to Breaking Out of Private Practice and Into Public Service*. KF stands for American law, 299 for law as a career, and P8 for public interest law; G74 is the identifier for this particular book; and 2000 is the publication date. P8 and G74 are referred to as “cutter numbers.”

How Are Law Library Materials Shelved?

¶47 Items are shelved in call number sequence—in both alphabetical and numerical order. The letters at the beginning of the call number are alphabetical. The numbers immediately following the letters are arranged in basic numerical order, i.e., 5 then 6, 50 is after 49 and before 51, and 100 is after 99. Thus, in figure 1, KF 3 precedes KF 29.

Figure 1*Call Numbers in Numerical Order*

KF 2 A74	KF 2 A8	KF 3 Z4	KF 29 C3	KF 29 C35
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¶48 The cutter numbers (A74, A8, Z4, C3, and C35 in the above example) are sorted first by the letter and then by the number as a decimal. For KF 2 A74, think of it as being KF 2 A 0.74; for KF 2 A8, read KF 2 A 0.80. Thus, A74 comes before A8 in figure 1; C3 before C35, because .30 comes before .35.

¶49 Information after the cutter number is sorted according to the following hierarchy: date, volume, supplement, copy. These are shelved in alphanumeric order, as illustrated in figure 2.

Figure 2*Call Numbers with Additional Information*

K10	K10	K10	K10	K10	K18	K18	K18
T92	T92	T92	T92	T92	A5	A5	A5
1967	1973	1973	1973	1996	1985	1985	1985
	Vol. 1	Vol. 2	Vol. 2		Vol. 1	Vol. 2	Vol. 2
		Copy 1	Copy 2				Supp.