

Practicing Reference . . .

Alphabetical Order and Other “Simple” Systems*

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Examining systems used in the organization of law libraries, Ms. Whisner reminds us that any system can have confusing aspects, something to keep in mind when helping patrons use the library.

¶1 “There’s no simple way to organize half a million books.” I used to say that sometimes when patrons seemed annoyed that my answer to their simple question (e.g., “Where’s all your labor material?”) took longer than they expected (because current hornbooks and nutshells were in one place, loose-leaf services were in another, and CLEs and monographs were in a third). Lately I’ve been thinking about the ways that systems we *think* are simple and obvious might not be. If we understand the hidden complexities, then we can explain them better to users. Understanding that the systems are not as simple as we assume also may help us to remain respectful when patrons don’t see what is obvious to us.

¶2 Take alphabetical order. I recently told a student that our back runs of law journals were downstairs, in alphabetical order by title, and I noticed a look of confusion and anxiety flit across his face. He steeled himself for the task and went to look for his journal, but it occurred to me that alphabetical order might be hard for him. Why? Because he was one of our LL.M. students from Asia and English was not his first language—nor was the Latin alphabet his first system of writing.

¶3 A leisure pursuit has helped me feel at a basic level how frustrating it can be to work with a simple system—like alphabetical order—that is unfamiliar. I’ve been studying Hebrew (not in a particularly rigorous way, just for fun). One thing that appeals to me about this language is that it’s different—different from English and different too from the languages I studied in school.¹

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1. German had some umlauts (ä, ë, ö, ü) and that funny double-s (ß), but the basic alphabet was the same. Even in junior high, I knew that German and English were in the same language family. Our German vocabulary words included some words that were similar to English words—Apfel = apple, Buch = book, Doktor = doctor. The cognates only take you so far, of course—who would guess that Kartoffel = potato or Steuerrecht = tax law? Still, the linguists do call English a Germanic language for a reason, after all. But I digress. My German studies are decades in the past and I remember only bits.

¶4 While the differences make my study interesting and fun, they also greatly diminish my competence with a dictionary. Now, I've been flipping through dictionaries all my life. They're easy, right? But my Hebrew dictionary is not so easy for me. First, I'm shaky on alphabetical order. When I learned the letters of the alphabet, I learned their shapes and sounds and how to write them, but I didn't learn the order very well. The alphabet starts out aleph, beth (that's not so hard), it has the "L," "M," "N" sounds in the middle, and it ends with the "R," "S," and "T" sounds.² It's the letters in between that confuse me, and I have spent a surprisingly large amount of time thumbing through the dictionary just to get close to what I'm trying to look up. Then there are problems with variant spellings and different letters that have the same sound. Even more puzzling are the varied verb conjugations and other grammatical markers—for instance, prefixes can serve as articles ("the"), conjunctions ("that," "and"), or prepositions ("in," "to," "from"). So to look up an unfamiliar word, I have to figure out what the word *is* (stripped of its prefixes and, if it's a verb, changed to the past tense) before I even try to find the right place in the dictionary.

¶5 This all has a lesson for reference. It's not that Hebrew is hard. (As an Israeli living in the United States told me breezily, her children speak it quite well and they're still in preschool.) It's that *the unfamiliar* is hard. Reminding ourselves of that basic lesson is one reason it's good for us to try learning something new from time to time.³ Paying attention to the *ways* that our patrons get confused by the systems we assume are simple will help us understand the systems' hidden complexities.

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2. Sort of: these are only one of the letters that make an "S" sound (more often it makes an "Sh" sound anyway) and one of the letters that make a "T" sound.
 3. Others have recommended that teachers remind themselves of what it is like to struggle with a new skill, and the same holds true for us reference librarians in our regular role of teaching people how to use the library and conduct research. See Susan B. Apel, *Teaching Law, Learning French*, LAW TCHR., Fall 1994, at 1, 1 ("For the teacher like myself whose own law school memories have begun to dim, who (finally) has gotten to the point where she feels she has mastered her subject matter and technique, and for whom the classroom has become a comfortable place that holds no terror, I recommend a temporary exchange of roles."); Sue Liemer, *Being a Beginner Again: A Teacher Training Exercise*, 10 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 87, 87 (2002) (recommending "an exercise to remind TAs or new professors what it is like to be a beginner" and using ballet as an example). Jan Costello's challenges with horseback riding helped her identify with the struggles of her academic support students—in a way that she might not have just remembering her law school experience, since she, like most law professors, had been a successful law student. Jan C. Costello, *The Law Professor as Student, or National Velvet, I'm Not*, LAW TCHR., Spring 2000, at 1, 2.

Not only do our students lack some of the skills we take for granted, they also do not share some "obvious" cultural referents. Beloit College now issues a "Mindset List" each fall, listing for faculty and staff some of the facts that seem obvious to entering students, based on their experiences. Those of us older than eighteen can marvel that for these students "Three-point shots from 'downtown' have always been a part of basketball," News Release, Beloit College, Beloit College Releases the Mindset List for the Class of 2007 (Sept. 3, 2003), available at http://www.beloit.edu/~pubaff/releases/mindset_2007.html, "Stores have always had scanners at the checkout," *id.*, and "South Africa's official policy of apartheid has not existed during their lifetime," BELOIT COLL., BELOIT COLLEGE'S CLASS OF 2006 "MINDSET LIST" (2002), at <http://www.beloit.edu/~pubaff/mindset/2006.html>.

Challenges of Alphabetical Order

¶6 Let's return to alphabetical order—in English, in the law library—and consider some of the challenges it presents even for someone who grew up singing the alphabet song and knows alphabetical order quite well. Here are a few snags.

¶7 *Abbreviations in titles.* If journals are shelved in alphabetical order by title, do you spell out an institution's name in the title or use an abbreviation? In our library, for instance, we shelve the magazine published by the American Bar Association according to the title it had at the time of its publication. From 1915 to 1983, it was called the *American Bar Association Journal*, and since 1983 it has been *ABA Journal*. More than one patron has found one run of volumes and been baffled that the rest is not there. (Dummy blocks and “continued by” notes in the catalog do not help everyone.) We shelve the law review from the University of California at Los Angeles by its title, *UCLA Law Review*, but some patrons start out looking under “University.” (Those patrons don't bump into the ones who look under “Penn” for *University of Pennsylvania Law Review*.)

¶8 *Little words in titles.* Most people know to skip over articles at the beginning of a title. For instance, they would never look under “The” for *The George Washington Law Review*. But they carry that rule too far and also skip over “the” in the middle of a title, too. That means they look for *Journal of the Patent and Trademark Office Society* between *Journal of Partnership Taxation* and *The Journal of Pharmacy and Law*. But it's not there; it follows *Journal of the National Conference of Referees in Bankruptcy*. Meanwhile, people do not always know what to do with articles in foreign languages. If a journal starts with “la revue” or “die Zeitschrift,” will they skip over the first word? (Libraries try to skip those foreign articles, but sometimes a foreign article will turn up as the first word in a catalog's title browse list. These things happen.)

¶9 *Complicated indexes.* A student had alphabetical order down pat, but had a hard time finding something about statutes of repose in *Am. Jur. 2d*. He tried “Statute of Repose” in the index. There were entries for “Statute of Frauds,” “Statute of Limitations,” and “Statute of Uses,” but none for “Statute of Repose.” There was a big heading for “Statutes,” but it didn't have a subheading for “repose.” I suggested he follow the cross-reference from “Statute of Limitations” to “Limitation of Actions (this index).” He was reluctant because, he explained, statutes of repose are *not* the same as statutes of limitation, but we tried anyway. And there, under “Limitation of Actions,” was a subheading for “Repose, statutes of.” (Later I found that we also could have gotten there by starting with “Repose, Statutes of” as a primary entry; it also refers to “Limitation of Actions (this index).”) In this case, the problem was not knowing that “statute” comes after “status,” but figuring out where in the index volumes we'd find something about statutes of repose. Many similar examples can be found in the indexes for sets throughout the law library.

¶10 *Different runs of the alphabet.* Legal newspapers in the microform cabinets are in alphabetical order by title—but *Chicago Daily Law Bulletin* and *Los Angeles Daily Journal* are in different cabinets than *American Lawyer* and *National Law Journal* because they are held in microfilm rather than microfiche. Most law journals are shelved in alphabetical order by title, but there are two places for each—one for the bound back run (downstairs, in compact stacks) and one for the unbound, current issues (upstairs, on display shelves in the reference area).

¶11 Even within one volume, there can be multiple runs through the alphabet. For instance, CCH's *Federal Securities Law Reporter* has both a "Topical Index" and "Latest Additions to Topical Index," each in A–Z order. A user has to know to check both indexes. Likewise, the *Standard Federal Tax Reporter* (also by CCH) has two Citor volumes, with cases listed in alphabetical order—and the first volume *also* has a "Current Citor Table," listing more cases. For one more example, I recall a professor who was surprised not to find a Latin maxim he was looking for in *Black's Law Dictionary*. The trick was that, in the seventh edition, the maxims are listed in alphabetical order, but *after* all the other entries (the last regular entry, if you're wondering, is "zygostates," a term from Roman law).⁴

¶12 *Alphabetical order for call numbers.* In a law library using the Library of Congress classification system, researchers see "KF" so often that they almost stop seeing "K" and "F" as letters capable of being alphabetized. Thus when they see a catalog entry for a book with a different call number (e.g., HG, or KNC, or even plain K), they don't know where to turn.

Jurisdiction and Subject

¶13 Alphabetical order is my prime example of a deceptively simple system because it is so pervasive. Let's think about two other systems widely used in law libraries: jurisdiction and subject. These systems also are not as simple as they may seem—particularly to people unfamiliar with law—and even if we think we are using them in a straightforward way, they are complex.

¶14 Many people could pick up some sense of jurisdiction from the news or their voters' pamphlets. We vote for some people who serve in the legislature in our state capital, and they're making *state* laws. We vote for some people who go to the House and the Senate in Washington, D.C., and they're making *federal* laws. There you go: that's federalism. However, even if a patron has that general outline in mind,⁵ it is by no means clear when to look for state law and when to

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4. Bryan Garner, the editor, explained that he thought that "most dictionary users today" would find it inconvenient to have the maxims interspersed with other terms, because we do not know them the way lawyers did in Black's day. BLACK'S LAW DICTIONARY 1615 (Bryan A. Garner ed., 7th ed. 1999).
 5. Not everyone pays close attention to elections, let alone what goes on in the capitals once we send our representatives off to do their jobs. For instance, only 54.7 percent of the voting age population reported voting in the 2000 presidential election, and only 41.9 percent in the 1998 congressional elections. BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES 2003,

look for federal law. It is not obvious to ordinary people—or even law students—that inheritance is a matter of state law (but that it might be federal if the federal estate tax is involved), that contracts are state law (but a contract question might have a federal component if, say, the federal Truth in Lending Act or the federal Fair Debt Collection Practices Act comes into play), and so on. Is “my boss treated me badly” a federal or a state issue? It depends: Was the bad treatment on the basis of one of the protected categories in federal civil rights laws? Was it an unfair labor practice under the federal labor law? Does your state have an antidiscrimination statute? Are there common law claims?

¶15 Even without these complexities of federalism, some people have trouble with the root concept of laws being tied to geography. One public patron found a Washington statute that he thought applied to his situation—but the event he wanted to litigate took place outside Washington, in fact, outside the United States. It was not obvious to him that Washington law would not have any effect. That might be an extreme example, but I’ve talked to other patrons over the years who thought that statutes from other states might be applicable in Washington. Law students generally understand that statutes from other jurisdictions do not apply, but they often wrestle with the concept of persuasive precedent—for instance, when they find a case with great facts that’s a district court case from another circuit and is contrary to the rule in the forum circuit.

¶16 Subjects—the large and small divisions of legal doctrine—are at least as confusing as jurisdiction. The example above about whether ill treatment at work is federal or state also illustrates the mystery of legal categories. It takes some sorting to figure out whether “my boss treated me badly” falls into the category of employment discrimination, contract law, wage and hour law, tort law, or no law at all. That is one reason why an accessible overview—like Nolo’s *Your Rights in the Workplace*⁶—is so useful to a newcomer to law.

¶17 But it is not just newcomers who can be stumped about legal subjects. A common reason for experienced lawyers and legal researchers to come to the reference office is that they want a nudge in the direction of a set that might have something related to a puzzle they are working on. When I refer them to a hornbook on remedies⁷ or I suggest a subject heading to try in a legal encyclopedia, I am in effect saying: “There, try *that* subject. That might be where your question falls.” Sometimes I’m right and the patron returns with a thumbs up sign.

at 269 tbl. 419 (123d ed. 2003) (Voting-Age Population, Percent Reporting Registered, and Voted: 1980 to 2000). In a 1999 study by the American Bar Association only 39% of respondents could identify all three branches of government. AM. BAR ASS’N, PERCEPTIONS OF THE U.S. JUSTICE SYSTEM 9–10 (1999), available at <http://www.abanews.org/perception/perception.html>. The questions generally did not probe people’s understanding of jurisdiction, but one did address the relationship between federal and state courts and found widespread misunderstanding: 78% of respondents agreed with the inaccurate statement “Every decision made by a state court can be reviewed and reversed by a federal court.” *Id.* at 22.

6. BARBARA KATE REPA, *YOUR RIGHTS IN THE WORKPLACE* (6th ed. 2002).

7. DAN B. DOBBS, *LAW OF REMEDIES: DAMAGES, EQUITY, RESTITUTION* (2d ed. 1993).

Sometimes the source I suggested was another dead end, and we need to think about it some more.

¶18 People like to see books on the same subject shelved together. It is convenient to browse the shelves, and they appreciate call number arrangements that make that possible. But we have a problem with big sets. Maybe a good place for someone to get an overview of construction law (or at least some aspects of it) is the *Am. Jur. 2d* volume containing the topic of “Building and Construction Contracts,” but that volume is shelved with the encyclopedia set, not with the other construction law materials. Likewise, someone researching various construction issues might find very useful materials in *Causes of Action*, *American Law Reports*, *Am. Jur. Proof of Facts*, *West’s Legal Forms*, or other big, general sets. These sets will not, of course, be shelved with the other construction law materials or even with each other.

¶19 But is there even one place with “the other construction law materials”? No, it turns out that they are scattered, depending in part on jurisdiction (there it is again) and in part on what aspect of construction law is emphasized in each book (contracts, professional liability, etc.). For instance, in our library, we have recent works on construction law in the following call numbers:

- KDZ835 .D47 2000—a book about construction law in both the United States and Canada.⁸
- KF902 .C6125 2004—a book about damages and remedies in construction cases.⁹
- KF1950 .C36x—a general guide to construction law for lawyers.¹⁰
- KF2925.3 .A97 1995—a book about design professionals’ liability.¹¹
- KF3580 .C6 E48 2001—a book focusing on labor and employment issues.¹²
- KF3964 .M64 M65 2003—a CLE about mold and mildew damage.¹³
- KF8984 .A65 C66 2001—a book focusing on litigation.¹⁴
- KFW155.8 .B8 K49—a book about construction liens in Washington State.¹⁵
- KFW458.3 .A75 O94 1996—a CLE about the construction process in Washington State.¹⁶

8. THE DESIGN/BUILD: DESKBOOK (John R. Heisse ed., 2d ed. 2000).

9. LESLIE O’NEAL-COBLE ET AL., CONSTRUCTION DAMAGES AND REMEDIES (2004).

10. JOHN G. CAMERON, JR., A PRACTITIONER’S GUIDE TO CONSTRUCTION LAW (2000).

11. ROBERT F. CUSHMAN & G. CHRISTIAN HEDEMANN, ARCHITECT AND ENGINEER LIABILITY: CLAIMS AGAINST DESIGN PROFESSIONALS (2d ed. 1995).

12. THE CONSTRUCTION LAWYER’S GUIDE TO LABOR & EMPLOYMENT LAW (Charles F. Seemann et al. eds., 2001).

13. MOLD, MILDEW & OTHER MOISTURE: HOW TO HANDLE MOLD CLAIMS (Timothy J. Whitters, program chair, 2003).

14. CONSTRUCTION LITIGATION COMM., AM. BAR ASS’N, CONSTRUCTION LITIGATION (2001).

15. MICHAEL F. KEYES, THE CONSTRUCTION INDUSTRY PRACTITIONER’S LIEN AND CLAIM SERIES (1976–1998).

16. OVERVIEW OF THE DEVELOPMENT & CONSTRUCTION PROCESS (Leif M. Ormseth & John M. Riley, program chairs, 1996).

¶20 Researchers who like to browse the shelves might need to accept the fact that, at least for some topics, they will need to browse in more than one place. This is inherent in the system. If we took all the construction law books in the list above and put them in a special area for construction law, it would improve the browsing for construction law researchers, but it would make browsing worse for litigation researchers (who would miss the construction litigation books), employment law researchers (who would miss the construction employment books), and so on. Meanwhile, the construction researcher might still need to look somewhere else for the legal encyclopedias and other sets that cover many topics.

Conclusion

¶21 We in libraries arrange materials in ways that make sense to us and that we hope will make them accessible to our users. They seem simple and straightforward—not only because we set them up, but also because we have spent a long time with most of them. But even the simplest systems like alphabetical order have surprising pitfalls and can be confusing to novices. And if alphabetical order can be problematic, why shouldn't we expect every system to be? I gave some examples of the ambiguity and nonobviousness of two standard organizational structures of law (and hence law libraries): jurisdiction and subject. We could go on, looking at other simple systems, such as year (do you mean the year of docketing, the year of decision, or the year of the term of court?) and author's last name (why didn't law reviews list student authors before the 1980s? how do you handle corporate authors? is an editor an author?). But I don't think we really need to. The lessons to remember are that *any* system can have confusing aspects and that we should be aware of that fact in order to help our patrons work with the systems we have.