

ALL NEWSLETTER Law Library

Academic Law Libraries

SPECIAL INTEREST SECTION
AMERICAN ASSOCIATION OF LAW LIBRARIES

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- 1 List of Officers for 1982-1983
- 2 Minutes of annual meeting
- 3 Program for 1983 meeting in Houston
- 4 Citation forms ... (2p.)
- 5 AALS Library Budget Proposal
- 6 Book Review
- 7 Retention of superseded materials
- 8 Questionnaire

OFFICERS FOR 1982-1983

Fannie S. Fishlyn
Chair
University of Southern California
Law Library

Kathleen Carrick
Vice-Chair/Chair-Elect and Program Chair
State University of New York at Buffalo
Charles B. Sears Law Library

Laurel Wendt
Secretary/Treasurer
Southern Illinois University
School of Law Library

ACADEMIC LAW LIBRARIES SPECIAL INTEREST SECTION
MINUTES OF THE ANNUAL MEETING
DETROIT, MICHIGAN
June 14, 1982

The annual meeting of the Academic Law Libraries Special Interest Section of the American Association of Law Libraries was called to order by outgoing chairperson Dan Freehling.

Dan Freehling made the following announcement:

1. Membership for 1981/82 was 201. This was an increase of 30% over the previous year.
2. Two newsletters were published during the year.
3. There were two major programs planned for the 1982 annual meeting. These programs are "Using a Small Computer to Teach" and "How the Law Schools Teach LEXIS and WESTLAW." These programs were scheduled simultaneously on Tuesday afternoon, June 15. In addition, an informal discussion on LEXIS and WESTLAW was scheduled for Tuesday evening, June 15.
4. Financial statement—The S.I.S. had \$535.67 as of May 31, 1982. One profit-making possibility which should be considered for the future is workshops to be presented at the Annual Meetings. The S.I.S. would be able to receive a profit from successful workshops.

Marcia Zubrow, Secretary/Treasurer, reported on the election results. The position of Vice Chair/President Elect had two candidates, Kathy Carrick from SUNY/Buffalo Law Library and Matthew Downs from Valparaiso Law Library. Kathy Carrick was the successful candidate, receiving 70 votes. The candidates for the position of Secretary/Treasurer were Adrienne Adan from UCLA and Laurel Wendt from Southern Illinois University. The new Secretary/Treasurer is Laurel Wendt who received 51 votes.

At this point, the meeting was turned over to the new Chair for 1982/83, Fannie Fishlyn from the University of Southern California. She asked for suggestions for future programs. Some of the suggestions on which she asked for feedback were:

1. A directory of membership to be included in an issue of the newsletter.
2. A clearinghouse to be established for legal bibliography problems and examinations.
3. Compilation of a list of law schools which save their own state's statutes superseded pocket parts.

The 1983 annual meeting was also discussed. The plan is that the Special Interest Sections and the committees will be entirely responsible for the program. Fannie Fishlyn asked for suggestions for the Academic Law Libraries S.I.S. program or workshops for 1983. The suggestions made were:

1. Teaching legal bibliography
2. Research skills (to be offered as a workshop)
3. Publishing—all aspects to be discussed including subjects on which articles need to be written/published and where to get articles published
4. Interlibrary loan problems
5. Volume counts and the ABA/AALS statistics
6. Space problems
7. Collection evaluation and development
8. Cooperative buying and cooperative collection development between law libraries

The meeting was adjourned at 11:45 a.m.

Respectfully submitted,

Marcia Zubrow
Secretary/Treasurer
1981/82

PROGRAM NOTES FOR 1983 ANNUAL MEETING IN HOUSTON

We will be sponsoring two programs, the first entitled "Publications/the What, Where, Why, When, and How of Publishing." The panel will be made up of the following individuals: Kelly Warnken, Reference Librarian at John Marshall Law School Library, will talk about a marketing study of 157 law periodicals which she has surveyed; Charlie Dyer, Director of the University of Missouri-Kansas City Law Library, will be talking about the new policies and directions of the Law Library Journal; Morris L. Cohen, Law Librarian at Yale University, will talk about what types of publications can/need to be written with a historical perspective on publishing, where it has come from, where he feels it is at the present time; and Sidney Bernstein, Assistant to the President of Matthew Bender Company, will add the publishers' point of view, discussing practical requirements and the politics of printing. I think I might also ask him to talk a little bit about Matthew Bender's plans for placing their materials on the LEXIS databank.

The second program will be a WESTLAW/LEXIS discussion group which is being coordinated by John Hasko from the University of Southern California. It will be centered towards the types of materials that are used in teaching the two systems. It will provide input from both database publishers and law librarians from academic law libraries who utilize and have taught both databanks. Times have not been set yet for the programs.

Kathleen Carrick
Director of Law Library

CITATION FORMS FOR STATE ADMINISTRATIVE MATERIALS

In Vol. 3 no. 2 of the ALL/SIS Newsletter, in his book review, Dan Freehling mentioned the citation form for the state administrative materials in the new 13th edition of the "bluebook", the Uniform System of Citation published by the Harvard Law Review Association. A close comparison of the citation forms with the full titles of the administrative publications reveals one problem: the citation form for administrative registers and codes employs a uniform title which is not reflected in AACR II. Notice in particular the situation for New York. The citation "NY Admin Code" means the publication entitled "Official Compilation of Codes, Rules and Regulations of the State of New York. How would that item be found from that citation unless you referred back to the bluebook?

Familiarity with materials for your own jurisdiction minimizes the awkwardness of poor citation form. But in other jurisdictions, you rely more heavily on the citation to clearly identify the materials.

Also, there have been two printings of the bluebook so far. The citation form for the UCLA Law Review is not the same in both printings. It came to our attention only when a student whose paper had been marked wrong showed us the form in his bluebook, which differed from the form in the printing we had used. The bluebook never mentioned the change.

The Board of Editors of the Harvard Law Review invites comments and suggestions about the citator. As librarians are primary consumers of footnotes and citations, I encourage you to communicate with the editors on any defects or difficulties you find in the bluebook.

L. Wendt

AALS LIBRARY BUDGET PROPOSAL

The Subcommittee on Law Library Standards, AALS Committee on Libraries is currently working on recommendations for revision of the library standard to set a new minimum requirement for acquisitions budget and/or volume count. The subcommittee is taking a new approach incorporating the effects of new technology on library budgets and collections. One proposal is to use the term "legal information budget" instead of the present "book budget". There are other terms in the proposal which need clarification such as "basic needs".

Copies of these recommendations were sent to all AALS Deans and Directors of Libraries. We hope that adoption of this proposal will be postponed until after our convention in June so that we can discuss this at our annual SIS meeting. If we can do this we can send a response from our Academic Libraries section.

BOOK REVIEW

80 Michigan Law Review, no. 4, March 1982 is devoted to a Survey of Books Relating to the law. One of the many books reviewed is Fundamentals of Legal Research, 2d ed. by J. Myron Jacobstein and Roy M. Mersky. The reviewer is Steven M. Barkan, Research Librarian, Supreme Court of the United States. We hope the following excerpts will be of interest and we urge you to read the review in its entirety (80 Michigan Law Review 925) along with other reviews and valuable information in this issue.

Fundamentals of Legal Research, 2d ed. by J. Myron Jacobstein and Roy M. Mersky, Mineola, N.Y.: Foundation Press, 1981. Pp. xli, 614. \$18.

Over the years, numerous textbooks, authored primarily by law librarians, have attempted to explain legal research to lawyers, law students, law librarians, and other interested persons. These texts can be loosely divided into three categories: (1) comprehensive guides or reference manuals, (2) teaching tools or laboratory manuals, and (3) books that have attempted to serve both functions. Although the texts vary in length and in the emphasis placed on the various aspects of the subject, they have been mainly concerned with identifying legal resources and explaining how to use them.

Authors of books on legal research have always faced two problems. First, according to Professors Jacobstein and Mersky, they have had to reconcile "the desire for completeness with the realization that their work is intended primarily for students beginning the study of law." Books that have tried to meet more than one goal or reach more than one audience have seemed either overly complex and incomprehensible to students or too simplistic and incomplete for reference. The other inherent problem in writing a book on legal research is the need to synthesize three relevant conceptual systems. First, the nature of the relationship between the law and its resources requires that some of the substance of the law and the nature of the legal system be grasped before the bibliography of the law can be comprehended. Second, the functional unity of legal bibliography requires that resources be considered in relation to each other. And, third, the interdependency of the analytic, searching, and applications aspects of research suggest that each should be viewed in the context of the others. In short, there is a gestalt to legal research that is difficult to capture.

Jacobstein and Mersky's Fundamentals of Legal Research, along with Effective Legal Research, by Price, Bitner, and Bysiewicz, How to Find the Law, edited by Cohen, Legal Research in a Nutshell, by Cohen, Legal Problem Solving, by Rombauer, and the abridged version of Fundamentals of Legal Research, Legal Research Illustrated, are currently the most widely used textbooks on legal bibliography and research in American law schools. None of the books claims to be a comprehensive manual and all are primarily intended to acquaint students and others with the essentials of legal research. Only Rombauer's Legal Problem Solving deals with the entire process of legal research from a functional standpoint. There are important differences of style, method, approach, and content among the books, but the superiority of a volume will depend on its intended use.

Fundamentals of Legal Research has been a popular textbook since it was introduced in 1956 by Ervin Pollack. The book has grown and matured, but Jacobstein and Mersky's new edition, actually the book's sixth, has a remarkable conceptual resemblance to Pollack's original work.

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Like its predecessors, the newest edition of Fundamentals of Legal Research is premised on the belief that instruction in legal research is a crucial component of legal education. That which previous editions of the book have done well, this edition also does well. As one reviewer said of the first edition, "its great merit lies in its precise, but lucid and easily understandable presentation of material well known to every teacher of legal bibliography, but nevertheless bewildering to the student."

The new edition retains Pollack's pedagogical technique. A subject or resource is introduced and described both bibliographically and functionally (with cross-references to related sections in the text), descriptive illustrations are provided, and sample research problems are presented. Each chapter concludes with a section summarizing the major points. The footnotes supply a multiplicity of references to sources of additional information on subjects discussed in the text.

In scope, arrangement, format, and method, the book is identical to its previous edition. Generally, the text has been updated and further refined, the chapters on Canadian law (ch. 22, pp. 417-39) and computers and microforms in legal research (ch. 23, pp. 440-48) have been rewritten, and a new chapter on federal tax research has been added (ch. 24, pp. 449-503). The new edition has not retained appendices on citation form and selected legal materials but new appendices include a listing of state guides to legal research (app. B, pp. 594-95) and basic information on legal resources in the United States territories (app. C, pp. 596-604). Among the other features of the book are a selected listing of reporter services by subject (pp. 244-51) and procedural "flow charts" to explain the use of digests (pp. 91-92) and research procedures (p. 507).

From an informational standpoint, Fundamentals of Legal Research is complete enough to be used by law students and lawyers as a noncomprehensive guide to the use of legal resources. That discussions are not definitive does not mean they are deficient. A careful reading of the text should enable researchers to locate and use most, but not all, necessary resources. Incomplete indexing, however, does reduce the value of the book as a reference tool. In some cases all references to a subject are not included. Some important resources and subjects are not indexed at all. Because the detailed table of contents does not compensate for this weakness, much of the book's information will be lost to researchers who might not have time to read through an entire chapter on a subject.

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Fundamentals of Legal Research, in sum, is a textbook for law students on legal bibliography and the use of law books. While these subjects warrant full treatment, the ability to identify and use legal resources does not necessarily produce proficiency in legal research. The confluence of text, problems, and exercises works toward an integration of the facets of the research process, but the book, and the model that it presents, is weak on analysis, legal method, and legal writing. Its strength is that it describes clearly and concisely one aspect of legal research in the context of the others.

CONCLUSION

No single text could meet the needs of all of the various types of legal research courses taught in American law schools. Surveys reveal that there is little uniformity in how the subject is taught. The backgrounds of instructors vary and courses differ in formality, method, length, depth, and content. One commentator has noted:

The striking thing about these programs is how much they are trying to accomplish in a very little bit of time. Not only are they attempting to provide the students with background in legal analysis, research techniques, citation form and the skills of legal writing, but they are also intended to . . . serve as an aide to the law school socialization process.

No course could successfully achieve all of these goals at once.

Clearly, the content, method, and approach of a text on the subject then becomes as important, if not more important, than those for courses that are the objects of greater attention in law schools. Beginning law students cannot realistically be taught all of the mechanics and procedures of legal research, and they do not need to develop the bibliographic skills of law librarians. The proper (and possible) goals of a text on legal research include, first, the teaching of technique and method, and second, the construction of workable models of the research process that will provide an understanding of available resources, their uses, interrelationships, worth, and reliability.

These principles have been reflected in the development throughout this century of textbooks written to describe legal research. Cooley, Hicks, Beardsley, Roalfe, Price, Pollack, and others have joined in a continuing effort to perfect models of the legal research process that will suggest systematic approaches to legal problem solving.

Fundamentals of Legal Research has been a respected teaching tool since it appeared in 1956, and perhaps has met its particular goals more effectively than the other books in the field. Jacobstein and Mersky's new edition is the continuation of an important tradition.

—Steven M. Barkan

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RETENTION OF SUPERSEDED MATERIALS

Statutory and regulatory materials are in a state of constant revision. A statute may be enacted and be repealed several years later, after having been the subject of litigation. If the pertinent bound volume was not reissued during this time the statute and case annotations can effectively vanish unless the pocket parts are retained. A similar situation can arise with administrative codifications.

Because of the practical difficulties involved in trying to keep pocket parts and superseded regulations from every jurisdiction represented in each library, the Academic Law Libraries SIS is trying to implement a cooperative retention program of such materials. We would like to identify at least one library in each jurisdiction that will undertake to keep such materials for that jurisdiction, and would be willing to supply photocopies of such materials upon request by other libraries. These repository libraries would be identified to all other law libraries, perhaps through the AALL Directory.

The last page of this newsletter is a pre-addressed detachable questionnaire of 10 short-answer questions.

Please complete and return it, even if your library cannot participate as a repository. no library in a jurisdiction can become a repository, one in a neighboring jurisdiction will be sought. We need to hear from every academic library to make this plan work.

Also on the questionnaire are a few questions about the possibility of exchanging legal bibliography teaching materials.

QUESTIONNAIRE

1. Do you keep old pocket parts for your state's statutory compilation? Yes No
2. How long do you keep them? _____
3. Does your state have an administrative code? Yes No
4. If #3 is yes, do you keep old pocket parts or superseded materials? Yes No
5. How long do you keep them? _____
6. Would you be willing to be listed as a repository of such materials and to respond to interlibrary loan requests from other libraries for photocopies? Yes No
7. Would you be willing to keep such materials for an adjoining jurisdiction (if another repository cannot be identified)? Yes No
8. Does the library teach legal bibliography or its equivalent in your school? Yes No
9. Do the student do exercises in using the library? Yes No
10. May we include you on a list of those who are willing to exchange teaching materials and exercises with other librarians? Yes No

Please detach this page and fold and fasten it so that the address on the verso shows, and mail it. Thank you.