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Government Documents
Special Interest Section

Letter from The Chair

By A. Hays Butler

The Government Documents SIS is involved with a number of different projects. The scope and variety of these projects are testaments to the dedication of our members. In this column I would like to describe some of the most significant of these projects. If any members of the Section are interested in working on any of these projects, please let me know.

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The State Bibliography Series.

One of the most important products of the Government Documents SIS is the state bibliography series. Over the years, bibliographies have been published for each of the 50 jurisdictions, as well as Washington, D.C. The series is a valuable reference source and has also been a good revenue producer for the Section. Unfortunately, almost all the bibliographies came out in the 80s and are very out of date. The Section has decided to update the whole series so it can continue to be a valuable resource for law libraries.

Dedicated librarians in a number of jurisdictions have volunteered to work on this project. There are still a large number of jurisdictions whose bibliography needs to be updated. These jurisdictions include Alaska, Connecticut, Washington, D.C., Florida, Georgia, Hawaii, Idaho, New Jersey, Kentucky, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, New Mexico, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming. I would be grateful, if you are located in one of these jurisdictions, if you would agree to undertake the updating of the bibliography for your state or if you would recommend a librarian in the state who you think might be

willing to work on the project. There is no particular deadline for the project and you can work at whatever pace is convenient in terms of other job responsibilities.

FirstGov.

FirstGov is the official gateway to more than 35 million federal web pages and more than 16 million pages from the states and the District of Columbia. The web site also features a topical index, online transactions, links to state and local governments, and a wide variety of other tools for accessing government information quickly and easily. FirstGov is working on a redesign of the web site and asked the Section to provide some assistance to the redesign project. The web site is one of the most important new resources for accessing government information and the Section is delighted to be able to contribute to the effectiveness of this very important information resource.

The AALL Strategic Plan.

The AALL Executive Board is currently considering revising the organization's strategic plan. The Committee responsible for updating the plan, chaired by Sally Holterhoff, asked for comments on the plan in the Fall. The Section filed comments on the plan with this committee based on a large number of comments I received from many Section members.

Fugitive Documents Committee.

This committee was formed last year to identify electronic fugitive documents. The mission of the Committee is to locate and identify such documents and report them to GPO for appropriate action. Once the fugitive electronic document has been reported to GPO, they can catalog the item and take other appropriate actions to assure access to the document. Committee members monitor individual agency sites to identify such material.

Since May 2001, the Committee has reported 65 fugitive titles to GPO. As of Jan. 19, 2002, GPO has cataloged 45 of these as 'electronic-only,' while 20 remain fugitive. The Committee is preparing, with GPO's approval, to archive fugitive titles not cataloged by GPO. The GPO has been very happy to receive the assistance of the Committee. The work of both this and the FirstGov committees represents an effort by the Section to provide assistance to the government, and the people of this country, by helping to provide access to important government resources.

Educational Programs.

One of the most important missions of the Government Documents SIS is to offer educational programming that will keep our members informed about important developments that effect government documents librarianship. Many of our members are working very hard to present a number of valuable programs this summer. These programs include the following: (1) Connecting with the Worldwide Effort to Combat Crimes Against Humanity: The Creation of the International Criminal Court; (2) Reach Out and Train Someone: Training Public Interest Lawyers and Non-Law Librarians in the Use of Free Government Information; (3) Government Documents Around the World: Access Policies and Strategies of Disclosure; (4) Connecting Digitization and Reorganization: Restructuring the documents department to Accommodate Electronic Digitization/Preservation Projects. I would like to

thank all of our members who are working on these programs and encourage all Section members to attend these programs this summer.

Elections.

Finally, I would like to note that the annual election of SIS officers will take place in the spring. There will be elections for Treasurer and Vice-Chair. If you would like to run for one of these offices or would like to nominate someone, please contact Greta Boeringer (provide e-mail address and telephone number). I would urge all section members to vote in the election.

Thank You.



MEMBERSHIP/COMMITTEE NEWS



Colleen Manning

Colleen used to be the Law Reference Librarian and an Associate Professor at Ohio Northern University Taggart Law Library. She made the move to Florida Coastal School of Law Library and Technology Center as a Reference Librarian in November 2001.



W. David Gay / Nancy Strohmeyer

In August, David left the University of Arkansas Young Law Library and moved to a new position as the International Law Librarian at the University of Tulsa Mabee Legal Information Center. His position has been filled by Nancy Strohmeyer, who came from Loyola, New Orleans School of Law.



**AALL GD-SIS Treasurer's Report as of September 30, 2001
(Colleen Manning - Secretary/Treasurer)**

To: AALL GD-SIS Officers
Re: Treasurer's Report
Date: November 7, 2001

Our financial situation appears to be solid. As of September 30, 2001, the date of our latest financial statement from AALL Headquarters, our balance was \$5,610.07. Our total revenues for this fiscal year are \$3,999.00, reflecting strong sales of state bibliographies and Dues. Also reflected is the lack of expense to mail out *Jurisdocs*.

Since July 2001, our expenses have included \$400.00 for the student grant to the AALL meeting and \$400.00 for a grant to the FDLC meeting, and \$723.56 for the annual meeting breakfast invitation and refreshments at the business meetings.

Since I am still getting a handle on this position, I do not have more to report. I would like, however, to acknowledge Rob Richards for his continual help and guidance. Please let me know if you have questions.



AALL NEWS

<http://www.aallnet.org/press/>

**CELEBRATING TEN YEARS OF SUCCESS - the NATIONAL LEGAL RESEARCH
TEACH-IN 1993-2002**

Can you remember your favorite AALL programs or publications from ten years ago? Or even where we held the annual meeting (without looking it up!) in 1993? How about the best-selling books that year? TV shows? Movies? Maybe some of us have a fuzzy recollection or two, but ten years is a long time! Wouldn't it be reassuring to know that after ten years there is an AALL/RIPS project that still remains relevant and responsive to the needs of legal research instructors? You will be pleased to know that there is something in our fast-paced world of legal research that has remained steadfast over the last decade -- the National Legal Research Teach-In! It is returning in 2002 for its TENTH consecutive year!

The 2002 Legal Research Teach-In, organized by the Research Instruction & Patron Services SIS (RIPS-SIS), offers the opportunity to improve the skills of your patrons and showcase your skills as a teacher and information provider. Following the pattern of the past nine years of highly successful Teach-Ins, Teach-In 2002 is scheduled in conjunction with National Library Week (April 14-20, 2002). As in previous years, the Teach-In committee has worked with the West Group and LEXIS-NEXIS to prepare unique instructional and promotional materials. Thanks to generous donations from the two companies,

the MATERIALS WILL again BE AVAILABLE AT NO CHARGE. It is a true measure of their commitment to the law library community that both West Group and LEXIS-NEXIS continue to underwrite this activity, as they have since its inception ten years ago.

Research Training Kits

New spiral bound kits topped the "BESTSELLER" list last year! -- West Group distributed approximately 750 kits to law librarians all over the world! The 2002 Teach-In resource kit will revisit classic areas of legal research integrating traditional legal resources and the newest electronic sources in one convenient package. The kits are designed to provide that extra assistance to get an instructional program off the ground. They may include pathfinders, research guides, posters, lesson plans, lecture notes, research exercises; a myriad of instructional materials developed by law librarians for use by law librarians. One kit per institution is available free of charge from the West Group. Contact Marketing Support, West Group, by fax 1-800-854-1597 or email mkgsupport@westgroup.com. Be sure to provide your name, address, institution, telephone number, and, if available, your West Group account number.

Promotional Materials

A BIG HIT from last year is back by popular demand! More than 20,000 notepads were sent out to approximately 525 locations around the United States, Canada, and Australia, setting another new record! Colorful notepads designed with Teach-In committee assistance and produced by LEXIS-NEXIS, can help you promote your 2002 Teach-In activities. These notepads can be used by library staff or given away to patrons as an incentive to participate in your library events. An online order form will be available at <http://www.lexis-nexis.com/infopro/> beginning February 1 and ending March 22 or until quantities are depleted. If you are unable to access this online form, please contact via a fax (937-865-1585) Melissa Engler, Marketing Manager, LEXIS-NEXIS Librarian Relations Group with your name, full mailing address, email and quantity required. If deemed necessary, a limit will be imposed in order to accommodate as many requests as possible.

Orders for training kits or promotional materials should be placed by March 15, 2002, so you will receive them in time for your National Library Week events. Now is the time to make the commitment that your library will conduct some sort of event involving legal research during National Library Week 2002. With the vast amount of materials available to you, it's easy to plan an educational event. If you need more ideas, descriptions of Teach-In kits from previous years can be found on the RIPS-SIS web page at <http://www.aallnet.org/sis/ripssis/>. Past years' kits can be obtained through AALL Headquarters. Contact: AALL, 312-939-4764.

Questions or comments about the 2001 Legal Research Teach-In should be directed to the coordinators for the event, Gail Partin, Associate Law Librarian, Dickinson School of Law, Penn State University, 717-240-5294, gap6@psu.edu; or Karen Brunner, Library Manager, Riker, Danzig, Scherer, Hyland & Perretti, 973-538-0800, kbrunner@riker.com.



AALL Offers \$5,000 in Research Grants

For Immediate Release
January 31, 2002

The Research Committee of the American Association of Law Libraries is accepting applications through May 1 for grants from the AALL Research Fund. The committee will award one or more grants totaling up to \$5,000 to library professionals who want to conduct research that affects librarianship.

Established with an endowment from LexisNexis™ in July 2000, the annual grant funds projects that create, disseminate or use legal and law-related information. The Association's Research Agenda offers suggestions for research projects that cover the profession of law librarianship, law library patrons, law library services, legal research and bibliography, legal information resources and law library facilities.

However, projects are not limited to those described in the agenda; the committee will consider all applications and research projects. To review AALL's complete Research Agenda, please go to http://www.aallnet.org/about/research_fund.asp

To apply for the grants, all applicants must provide resumes and statements of their qualifications for carrying out their projects. The applications must demonstrate experience with research projects and an understanding of the dissemination and use of legal and law-related information. Priority will be given to practicing law librarians and AALL members, working individually or in partnership with other information professionals. The grant application and complete guidelines are available at http://www.aallnet.org/about/research_fund.asp

The submission deadline for applications is May 1. Grants will be awarded and announced by June 1. The allocation of the research grants will be at the sole discretion of the AALL Research Committee. The committee members are (Chair) Kevin L. Butterfield, University of Illinois at Urbana-Champaign; Celeste Feather, University of Connecticut; Kevin P. Gray, Louisiana State University; Paul D. Healey, University of Illinois at Urbana-Champaign; Grace M. Mills, independent; H. Kumar Percy, University of Texas; Dorene S. Smith, Ater Wynne, LLP.

For more information about the grants, please contact Kevin Butterfield, chair of the AALL Research Committee, at butterfi@law.uiuc.edu.

LexisNexis™ has been a longtime supporter of AALL. The company is proud of its successful partnership with the Association on various projects, such as the John R. Johnson Scholarship fund, the eight AALL Resource Guides for law firm libraries, the AALL Toolkit on the Value of Law Libraries, and numerous events at each Annual Meeting. With these new research grants, LexisNexis™ hopes to continue its commitment to advancing the future of information professionals.



New LONELL Listserv Geared to New Law Librarians

For Immediate Release
January 31, 2002

Calling all new law librarians. Connect with your peers by signing up for a new discussion listserv aimed at new members of the profession: the List of Newer Law Librarians, or LONELL.

Launched by the AALL Mentoring Committee this year, LONELL offers participants a convenient opportunity to meet others new to the field and share experiences unique to new law librarians. Discover how your colleagues handle job searches, continuing education and networking events, among other topics. Share your ideas and learn from each other!

This discussion list was created to complement the Conference for Newer Law Librarians program, which is held in conjunction with the Annual Meeting. CONELL welcomes new members to AALL by introducing them to the benefits of membership. Attendees get a chance to network with members and learn how to get involved with AALL's various committees, chapters, Special Interest Sections and projects.

To join the LONELL discussion, participants must be members of AALL for three years or less. Please visit the AALLNET Online Discussion Center at <http://aallnet.org/mailman/listinfo/lonell> to subscribe to the listserv. LONELL will be moderated by Anne Klinefelter of the University of North Carolina, who is a member of the AALL Mentoring Committee.

For more information about LONELL, please contact Suzanne Thorpe, chair of the AALL Mentoring Committee, at s-thor@umn.edu.



New Minority Award Seeks Nominees With Leadership Potential

For Immediate Release
January 17, 2002

The AALL Diversity Committee is seeking nominations for a new award that gives minorities an opportunity to cultivate their leadership potential within AALL and the law library community at large.

The Minority Leadership Development Award was created last year to ensure that AALL's leadership remains vital, relevant and representative of the Association's diverse membership. Thus, the winner will be chosen based on how well the applicant's professional interests, goals and education demonstrate his or her leadership potential in the Association and the profession.

The recipient of the award will receive \$1,500 for travel, lodging and registration expenses to attend the AALL Annual Meeting; team up with an experienced AALL leader, who will serve as the recipient's mentor; and serve on an AALL committee.

"The award winner, in addition to being able to take advantage of the varied educational program offerings and networking, will have the unique opportunity to hone leadership skills and create powerful connections within AALL and the larger law library community, ably assisted by his or her mentor," said Anne McDonald, chair of the Diversity Committee. "In presenting this award, AALL ensures that there will be a constant supply of future leaders able to attract members of minority groups to the profession, ensuring that law librarianship and AALL membership reflects the diversity of society, in fulfillment of one of the goals of the AALL Strategic Plan."

Applications are due April 1. The AALL Diversity and Grants Committees will select a winner by June 1. For more information about the Minority Leadership Award, including an application form, please visit http://www.aallnet.org/about/award_mlda.asp



AALL/Aspen Law & Business Research Grant Program to Fund Two Research Projects in 2002-2003

For Immediate Release
January 17, 2002

The AALL/Aspen Law & Business Research Grant Program has awarded funding to two projects chosen by the AALL Research Committee that showcase the value of law librarians and the technological future of the profession.

The AALL Government Relations Committee will use its research grant to carry out a project called "Permanent Public Access of State Government Information: A State-by-State Compilation and Resource Guide." With the assistance of the AALL Washington Affairs Office, the project aims to create a publication that features state-by-state analysis of laws pertaining to permanent public access to state government information. The publication will also serve as a finding tool, indicating which states have enacted and currently enforce permanent public access laws.

The other project that was awarded funding will examine the present and future state of digital libraries in a private law firm. Titled "Feasibility and Viability of a Digital Law Library in 2002," the project will identify the threshold technology as well as the human and financial resources needed to create a digital library in a private law firm. The research will also ascertain the extent to which digital libraries are already a reality in the legal community. Catherine Sanders Reach and David Whelan of the American Bar Association's Legal Technology Research Center will coordinate the project.

Both projects will be completed by Feb. 1, 2003.

The AALL/Aspen Law & Business Research Grant Program was made possible with the generous \$50,000 contribution from Aspen Law & Business, a New York-based legal publisher, in 1996. The company views its contribution as an investment in research that will provide a prospective look at the role of librarians, researchers and legal information providers and will yield results to which publishers can respond. Aspen's goal is to sponsor research that will have a practical impact on the law library profession and inspire products and changes in the marketplace.

The AALL/Aspen Law & Business Research Grant Program is intended to not only promote research but to remove obstacles to project completion caused by tight operating budgets. And so, the grants may be used for expenses such as research assistants, photocopying, data entry and research-related travel.

The AALL Research Committee, AALL and its corporate partner, Aspen Law & Business, extend their congratulations to this year's recipients.

The American Association of Law Libraries was founded in 1906 to promote and enhance the value of law libraries to the legal and public communities, to foster the profession of law librarianship, and to provide leadership in the field of legal information.



AFFECT Statement on Proposed New Amendments to UCITA

For Immediate Release
January 10, 2002

The Standby Committee of the National Conference of Commissioners on Uniform State Laws (NCCUSL) released 19 proposed amendments to Uniform Computer Information Transactions Act in late December 2001. These amendments were drafted in response to more than 70 amendments presented to the Standby Committee by concerned individuals and organizations during its Nov. 16-18, 2001, meetings that were attended by members of the American Bar Association's UCITA Working Group. This was the 17th meeting of the UCITA drafting committee since 1996. While the November meeting permitted open debate between UCITA proponents and opponents on a number of key issues, the proposed amendments fell far short of what is necessary to resolve the many issues of controversy.

"The proposed amendments give the appearance of compromise, without the substance of compromise. When scrutinized, the proposed amendments simply make a fundamentally flawed piece of legislation only slightly less flawed," said David McMahon, a board member of the Americans for Fair Electronic Commerce Transactions (AFFECT). AFFECT is a broad-based coalition of consumers, retail and manufacturing businesses, insurers, technology professionals and librarians opposed to the Uniform Computer Information Transactions Act.

Four relatively minor amendments submitted by AFFECT are included among the 19 amendments recommended for adoption by the Standby Committee. The substantial equivalents of these four amendments were already written into the Maryland and Virginia versions of UCITA in 2000. They do

not represent significant progress beyond what is currently in the versions of UCITA that have actually passed in the state legislatures.

The amendments recommended by the Standby Committee provide no relief on some critical issues. For example, UCITA grants vendors broad opportunities to disclaim warranties and limit changes - much broader than current sales law. Part of the rationale provided by the UCITA committee for this is that it is impossible to discover all defects in any nontrivial computer program. While this may be true, AFFECT urged the UCITA committee to adopt a rule that required vendors either to reveal the defects that they actually have found and do know about, or to make them liable for damages caused by defects that were known but not revealed. The drafting committee adopted an amendment that addressed this issue, but a careful reader will discover that it provides customers with nothing more than they would have under the current version of UCITA.

At first glance, the recommended amendments to electronic self-help also appear to provide some degree of relief. "Electronic self-help" in UCITA means the remote disabling of a licensee's use of software or computer information. Controversy about this issue has persistently plagued UCITA. Although the proposed amendment is an improvement over existing language, the complexity of the model statute makes it uncertain that the equivalent of electronic self-help would not be permitted through other sections of the law. Further, the proposed amendment does not prohibit a licensor from relying on a contractual exclusion or limitation of damages to limit its liability for an improper exercise of electronic self-help. As a result, a licensor could ignore UCITA's prohibition of electronic self-help with little fear of the consequences.

Proposals which appear to address concerns of the open source community similarly fail to withstand scrutiny. For example, the drafting committee's proposal on reverse engineering actually makes things worse for open source developers, not better. In addition, open source developers had sought a clear statement in UCITA recognizing their special needs on implied warranties. The drafting committee instead included a proposal that not only fails to address these needs but actually allows closed-source vendors like Microsoft off the warranty hook.

Libraries also received a small concession to their concerns in an amendment that would permit the transfer or donation of computer software to public libraries, and public elementary and secondary schools, even if the terms in a shrink-wrap contract indicate otherwise. However, the proposed amendment would apply only to computer software that is transferred in a computer. Moreover, the drafting committee rejected library proposals that would have affirmed the primacy of federal copyright law in determining the enforceability of terms in shrink-wrap and click-on contracts. "The committee's report showed either a complete misunderstanding or a misinterpretation of the library arguments regarding UCITA," said AFFECT Board President Miriam Nisbet, legislative counsel with the American Library Association.

It is important to recognize that these proposed amendments are only recommendations. NCCUSL may or may not adopt them. Likewise, any state considering UCITA would have the option of adopting them or not as they consider the legislation. Overall, the 19 proposed amendments fail to address adequately the broad range of concerns uniting the AFFECT membership of consumers, businesses, libraries, software and technology professionals, manufacturers and insurers.

AFFECT continues to contend that UCITA proponents have failed to justify the need for such a sweeping and complex law that still clearly favors the software and information industries. Existing law has proven sufficient in addressing legal issues regarding computer information transactions.

The proposed amendments appear to be a last-ditch effort of the Standby Committee to salvage UCITA. Despite early passage in Maryland and Virginia, the legislation has been rejected in every other state that has considered it, and three states have passed "bomb shelter" legislation to protect their citizens from the effects of UCITA as passed in other states. In August, the American Bar Association appointed a working group on UCITA that was instrumental in convening the November meeting with the UCITA drafting committee. Additionally, the attorneys general of 32 states and two territories published a letter in November calling UCITA "fundamentally flawed" and recommending that it be abandoned, rather than amended.

The ABA UCITA Working Group is expected to meet in the next few weeks to consider its action in light of the proposed amendments. For further information, please contact an AFFECT board member:

Lynn Johnson, Industry Affairs Manager, Boeing (425) 865-3842

Riva Kinstlick, Vice President, External Affairs, Prudential Insurance Company of America (973) 802-4040

David McMahon, Consumer Representative (304) 415-4288

Miriam Nisbet, Legislative Counsel, American Library Association (202) 628-8410

Randy Roth, Director, Strategic Sourcing, Principal Financial Group
(515) 247-7229

AALL Washington Affairs

<http://www.ll.georgetown.edu/aallwash/>

Co-Sponsors Needed Now for House

"Access to Presidential Records Act"

BACKGROUND:

Last November, I drafted a joint letter to Rep. Stephen Horn, Chairman of the House Government Reform's Subcommittee on Government Efficiency, Financial Management and Intergovernmental Reform, expressing opposition to President Bush's E.O. 13,233 relating to implementation of the Presidential Records Act (PRA). The letter is part of the subcommittee's record for an oversight hearing on the executive order.

Since then, Public Citizen has filed a lawsuit challenging provisions of the executive order and the House is taking its own action to nullify it. House Government Reform Committee Chairman Dan Burton (R-6-IN) and Ranking Member Henry Waxman (D-29-CA), both highly critical of the

executive order, have drafted a very short bill that nullifies E.O. 13, 233. The bipartisan bill, the "Access to Presidential Records Act," has not yet been introduced, and Reps. Burton and Waxman are seeking as many co-sponsors now as possible. Their plan is to introduce the legislation early this spring following a full committee hearing on the issue.

ACTION:

Please contact your representative immediately through the Capitol Switchboard at 202-224-3121, and urge her/him to be an original co-sponsor of Reps. Burton and Waxman's "Access to Presidential Records Act."

Thank you,
Mary Alice

Mary Alice Baish
Associate Washington Affairs Representative
American Association of Law Libraries
E.B. Williams Law Library
111 G Street, NW
Washington, D.C. 20001-1417
Voice: 202-662-9200
Fax: 202-662-9202
baish@law.georgetown.edu

The Search and Seizure of Electronic Information: The Law Before and After the USA Patriot Act
[PDF] Working Draft, January 18, 2002.

Please visit the AALL Washington Affairs Online website, <http://www.ll.georgetown.edu/aallwash/>, for more information.



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