The Legal History and Rare Books Special Interest Section: Twenty-Five Years of Excellence

The May 1989 issue of AALL Newsletter included the following announcement:

A new SIS for Legal History and Rare Books is currently being formed. The requisite number of signatures have been collected to submit the petition before the Executive Board. The organizational meeting of the SIS will be held at 7:00 p.m. on Monday, June 19 in Reno.

Those interested in the new SIS were directed to contact Dan Wade at Yale Law Library. He later recalled that while the idea to start the SIS was his, the late Morris Cohen “was most enthusiastic, and was the real mover and shaker.” Other early supporters included the late Nick Triffin, Naomi Ronen, David Warrington and Michael Chiorazzi. The late Erwin Surrency, who was recently inducted into the AALL Hall of Fame, was the first Chair of the SIS.

The bylaws adopted by the new SIS included the following objectives:

1) To provide a forum for the exchange of ideas and information on legal history and rare books librarianship;
2) To represent its members’ interests and concerns within AALL.

The SIS newsletter, LH&RB, was first published in January 1991. Janet Sinder was editor of the new publication, a position she would hold for three years. It was she who came up with the newsletter’s title, LH&RB. In an e-mail to the author, Janet reported that the publication was originally laid out “manually by pasting it together and then having copies made on colored paper.”

The first articles published in the newsletter were Blackstone’s Commentaries and Rare Book Prices by Jordan D. (Joe) Luttrell, Rare Books and Other People’s Money by Michael J. Lynch, Recent Developments in English Legal History: A Tudor Mystery Solved? by Byron Cooper, and Reprinting of Monographs: Historical Background and Selection Criteria by Paul A. Rothman. The publication also included columns by Chair Mike Chiorazzi and Editor Sinder, notes and recent publications, and the SIS Bylaws.

The newsletter then included advertising by antiquarian and used book dealers. Janet later recalled that the advertising was “so popular that we made a lot of money for the SIS.” Rates were $150.00 for a full page, $100.00 for a half page and $75.00 for a quarter page.

The Legal History & Rare Books-SIS offered two programs at the 1991 AALL Annual Meeting in New Orleans. Mike Chiorazzi moderated The Historical Development of the Louisiana Legal System, which featured Warren Billings, Professor of History at the University of New Orleans and Historian of the Louisiana Supreme Court, David Combe, Professor of Law and Law Librarian at Tulane University School of Law, and Ray Rabalais, Professor of Law at Loyola.

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1 Except where otherwise indicated, all references are to either LH&RB or to Unbound.
2 The SIS was approved by the Executive Board on June 17, 1989.
3 Then-chair Mike Chiorazzi wrote that Janet took the job as newsletter editor “without realizing what she was getting herself into.” After holding the job for more than 13 years, the current editor can relate to that statement.
4 The title is simply LH&RB although the publication has occasionally been referenced as LH&RB Newsletter. Janet later described the title as being “not very original,” but the current editor has always liked it.
University School of Law. The second program was *Bridges to the Past: Looking After Older Legal Materials (Rare and Historical)*, cosponsored with the Technical Services-SIS and the Academic Law Libraries-SIS.

A reception at Meyer Boswell Books was one of the features at the 1992 Annual Meeting in San Francisco. The SIS sponsored two programs that year, *Crime and Punishment in Early California* and *Ephemera: To Collect or Not.* That year’s business meeting included a “Meeting after the Meeting” where an SIS response to the *Report and Recommendations of the Special Committee on Preservation Needs of Law Libraries* was discussed.

1992-93 brought a situation that has sometimes been a problem for the small SIS: several program proposals were submitted to the AALL Education Committee but none were accepted. Chair Cynthia Arkin wrote that the rejections bring up what appears to be a problem that won’t go away.”

Certainly, as academics (which most of us are), and in particular as people interested in legal history and rare books, we are in an ever-shrinking minority within AALL. And, when the Education Committee is faced with diminished space at a meeting site, it is easy to figure out why our proposals are not accepted. On the other hand, members of the Legal History and Rare Books SIS, who are for the most part interested and active in AALL, cannot help becoming discouraged from active participation when our proposals are rejected year after year. All the pep talks in the world about “being active” won’t work when the very activity being encouraged is repeatedly rejected.

Cynthia encouraged SIS members to get involved with the Education Committee “to help make our voice heard where it counts.”

While the SIS did not have any programs at the 1993 meeting in Boston, it did co-host a reception, along with the ALL-SIS, at Harvard University. There members enjoyed “gastronomical delights” as well as “intellectual and aesthetic treats.” The SIS also had a table in the exhibit hall.

1993 ended Janet Sinder’s term as editor of *LH&RB*. Her final issue as editor included Gretchen Feltes’ review of Fred Shapiro’s *Oxford Book of American Legal Quotations*. It was the publication’s first book review. The issue also included *Bishop Edward Stillingfleet’s Ecclesiastical Cases* by Joel Fishman. Joel has since been one of *LH&RB*’s most prolific contributors. Dan Wade took over as editor of volume 4 of *LH&RB*.


Chair Mary Cooper Gilliam had to resign as SIS chair midway through her 1994-95 term; Byron Cooper took over as both SIS Chair and acting newsletter editor. His “From the Chair” column in *LH&RB* included a plea for an editor.

Despite the concerns expressed by Cynthia in 1992-93, the SIS did have some success in getting its programs approved in the mid- to late-1990s. The 1995 AALL Annual Meeting in

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5 The latter program was cosponsored with the Acquisitions Committee, the Preservation Committee and the Contemporary Social Problems SIS.

Daniel Smith, of Lawbook Exchange, Ltd. took over as newsletter editor beginning with Volume 6 in 1996. He held that position through 1998. *LH&RB* thereafter entered a brief period of inactivity, temporarily ending plans to make it available online.

An effort to reinvigorate the SIS begin in 2000 under the leadership of Chair Joel Fishman, Vice Chair Katherine Hedin and Secretary Lucia Diamond. Kurt Metzmeier took on the newly created position of SIS Webmaster, posting the SIS website on May 10, 2001. Shortly thereafter the SIS newsletter, *LH&RB*, like the mythical phoenix, returned to life with Mark Podvia as Editor, assisted by Mark Lambert, Laura Bedard and Kurt Metzmeier. An Archives Committee was organized to examine what the SIS could do in that area.

Two SIS programs were offered at the 2001 AALL Annual Meeting in Philadelphia. Joel Fishman, along with Professor Herbert A. Johnson of the University of South Carolina Law School, presented *Celebrating John Marshall: The Two-Hundredth Anniversary of his Elevation to Chief Justice of the United States Supreme Court*. Mark Lambert organized a program titled *Legal Historical Materials in a Nutshell: An Introduction to Legal Archives and Manuscripts*.

A major initiative during the 2001-2002 year was the development of a strategic plan for the SIS. The SIS again sponsored two programs at the Annual Meeting that year. Kurt Metzmeier and Katherine Topulos spoke on *Legal History from the Reference Desk: Connecting the Past to Today’s Information Needs* while Warren Billings and Karen Beck spoke on *Towards a Research Agenda for Legal History: Some Modest Proposals*.

In 2003 the SIS had three programs at the Annual Meeting: *The Collision of Native American and Anglo-American Legal Concepts: A Legacy of the Louisiana Purchase, Creating and Maintaining Legal History Collections: Collections Development and Analysis Issues for the Law Librarian and Researching and Writing Institutional History*. The SIS also made a $500 contribution to the George A. Straight Minority Scholarship, Chair Kurt Metzmeier noting that it was “a large contribution from a small SIS.”

The SIS had only one program approved for the 2004 Annual Meeting: *Creating and Maintaining Legal History Collections*. However, the *LH&RB* Roundtable that year featured an excellent presentation by Morris Cohen, *Joseph Story and the Encyclopedia Americana*. It was also that year that Michele Pope began efforts to organize an Archivist Caucus within the LH&RB SIS.

The AALL Centennial was celebrated at the 2006 Annual Meeting, however the Legal History & Rare Books-SIS got into the celebration early. An article from the Spring/Summer 2004 *LH&RB*, *The Victorian-Era Law Office: How to Furnish Your Workplace for Under $100* by Mark Podvia was selected for republication in the Fall 2004 issue of *Law Library Journal* as the first Centennial Feature Article. It was, so far as is known, the first *LH&RB* article to be selected for

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6 Those of us in the SIS knew that the three programs that were not approved would have been excellent—largely because of Laura Ray’s wonderful leadership of our Education Committee—but we were unable to convince higher powers.

7 Her efforts ultimately did not succeed, but the possibility of such a caucus still remains...
republication. That issue of the newsletter also included an index covering all the earlier editions of LH&RB. It was also the first issue of the newsletter to be distributed electronically.

The late Morris Cohen authored a series in LH&RB titled From My Commonplace Book that began in the Fall of 2004 with volume 11. It ran through volume 12 and was one of the most popular features ever published in the newsletter.

The 2005 Annual Meeting in San Antonio featured three SIS programs. They were: Deadwood: The Power of Film to Teach Foundations in Native American Treaty Law and United States Territorial Law, Los Archivos de las Indias: Judicial and Legislative Information on the Spanish Colonial Period in the United States and Values, Video, and Vignettes: Using Video Oral History Techniques to Document the Unwritten Histories of AALL. Unfortunately the first two programs were scheduled for the same time slot.9

At the 2006 Annual Meeting in St. Louis, the SIS marked the AALL Centennial at our Roundtable. The 1906 World, presented by Carol Billings, Beth Chamberlain, Stacy Etheredge, Lucinda Harrison-Cox, Kurt Metzmeier and Mark Podvia, reviewed 1906 law practice, world events, literature, clothing, sports, and industry. The SIS co-sponsored, along with the AALL Centennial Committee, the program Promoting the Past to Assure the Future: The Lure of Legal History. The SIS also sponsored two programs of its own at the 2006 meeting. Colonial Virginia’s Legal History was presented by Joel Fishman, Warren Billings, and David Konig. Forging Connections with Library Friends Groups was presented by Mark Podvia, Carol Billings, and Jennie Meade.10

The SIS sponsored or co-sponsored a number of excellent programs at the July 2007 Annual Meeting in New Orleans. These included Taking Up the Gauntlet: The Duel in Southern Legal History, Rome: The Power of Film to Teach Foundations of Roman and Civil Law, and Huey Long and the Press: Louisiana’s Contribution to Modern Constitutional Law. The SIS roundtable that year was Celebrating the 400th Anniversary of Cowell’s Interpreter.

Several SIS members got out of the exhibit hall during the 2007 meeting to perform public service work. Three organizations were aided: Habitat for Humanity, the Louisiana State Museum and the Second Harvest of Greater New Orleans and Acadiana. Such public service programs continued for several years thereafter.

Also in 2007, it was announced that the SIS, together with Gale Cengage Learning, would co-sponsor the Morris L. Cohen Student Essay Contest. The competition would be open to all graduate students of librarianship, law, history and related fields. The first round of submissions was to be solicited after the 2008 Annual Meeting.11

Finally, 2007 provided the SIS with its official mascot, Hughes-Humphreys the Bison. Kurt Metzmeier had submitted an excellent article, James Hughes: Kentucky’s First Nominative Reporter for publication in LH&RB. His article was accompanied by several scans from the book, including an illustration of an American Bison by artist David Humphreys. At some point during the transmission of the scans, the bison managed to “migrate” onto the title page scan. Fortunately the error was caught before the issue was uploaded to the web, however it was obvious that the buffalo was trying to get our attention and volunteer for the position of SIS mascot. The editor’s motion that Hughes-Humphreys be named as SIS mascot was approved at the 2007 business meeting.

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8 Cosponsored by the Micrographics/Audio-Visual SIS.
9 What were they thinking?
10 Karen Beck envisioned and coordinated the program.
11 The SIS extended thanks to Stephen Wasserstein of Gale Cengage Learning, and to Fred Shapiro, librarian consultant to Gale, for proposing the competition.
The 2008 Annual Meeting was held in Portland, Oregon, a city that boasts more microbreweries than any other city in America. It seemed appropriate that the SIS celebrate this with a special program: *Beer and the Law: A Legal History of Beer, Brewing and Government Regulation from the German Purity Law to the Microbrew Movement*. Other programs in Portland were *Law Library Journal at 100: The Evolution of a Publication, Oregon’s Death With Dignity Act (DWDA): A Legal History and Explore the New World of Legal History Research – Be Prepared to Wiki*! The SIS also cosponsored a full-day workshop, *Yikes! What’s In This Box? Managing Archive Collections*. The SIS Roundtable in Portland was titled *Evolution of a Legal Research & Legal History Web Site: From Funding Through Implementation*.

The first brochure produced by the SIS, which featured our new mascot, debuted at the 2008 Annual Meeting in Portland, Oregon. It was the work of work of the SIS Publications Committee—Stacy Etheredge and Glen-Peter Ahlers—along with AALL’s Director of Publications Julia O’Donnell.

Keeping with the beer theme, it seemed appropriate that the SIS should reinstitute the SIS Reception at a Portland microbrewery. The Lucky Lab Brewpub hosted the event, which was organized by Laura Ray. The Legal History & Rare Books-SIS Reception has since become an annual event.

The SIS began producing a second publication in 2008. *Unbound: An Annual Review of Legal History and Rare Books* was designed to republish the many scholarly articles and book reviews contained in *LH&RB*. The publication was made available on Hein Online, making this material more accessible for scholarly use. Mark Podvia served as Editor-in-Chief of the new publication, Jennie Meade and Kurt Metzmeier took on the role of Articles Editors with Kurt also serving as Webmaster. Joel Fishman served as Book Review Editor of the publication while Sarah Yates served as Special Collections Cataloging Editor. The first issue of *Unbound* was dedicated to Morris Cohen, “Librarian, Historian, Scholar, Mentor, Friend.”

After many years in the planning, the highlight of LHRB’s 2008-2009 year was the debut of the Morris L. Cohen Student Essay Competition, jointly sponsored by our SIS and Gale Cengage Learning. Our first award winner, Benjamin Yousey-Hindes, a doctoral candidate at Stanford, presented his winning paper, *A Case Study of Canon Law in the Age of the Quinque Compilationes Antiquae: The Trial for Balaruc*, at the 2009 Annual Meeting.

The SIS had two formal programs at the 2009 Annual Meeting in Washington, D.C. Stacy Etheredge moderated *Lincoln, the Law, and Libraries*, while Professor James Starrs of George Washington University presented “Digging” *Legal History: Using Exhumation and Innovative Forensic Science Techniques to Verify Historical Legal Events*. The 2009 Reception was held at the George Washington University Law Library.


The winner of the 2009-2010 Morris Cohen Competition was Justin Simard, a J.D./Ph.D. candidate at the University of Pennsylvania. His paper was “*The Citadel Must Open Its Gates to the People:* Judicial Reform at the 1821 New York Constitutional Convention.” The Runner-up

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12 Lucky Lab brews several excellent beers, including a British-style IPA, Dog Day, ABV: 6.4% IBUs: 82.
13 The program was coordinated and moderated by Jennie Meade.
was *The City and the River: The Thames in the Liber Albus* by Ian Burke.\textsuperscript{14} The winners were honored at the SIS Reception.

In October 2010 *LH&RB* published its first-ever Hallowe’en issue. It featured articles on the witchcraft collection at George Washington University’s Jacob Burns Law Library by Mary Kate Hunter, on haunted courthouses by Kurt Metzmeier (with Nancy Vinsel and Roberto Campos), and the West Virginia case of *State v. Shue* by Mark Podvia.

Morris Cohen passed away on December 18, 2010. The 2010 issue of *Unbound* was dedicated in his memory. The issue included the compiled columns of *From My Commonplace Book* that Morris had written for *LH&RB*.

At the AALL Annual Meeting in Philadelphia in 2011, the SIS sponsored three formal programs: *Old Into New: Collaborative Law Library Digital Collections, We the People: Constitutional National Treasures in Philadelphia Archives* and “Digging” Legal History in Philadelphia: The Meriwether Lewis Project.\textsuperscript{15} An additional SIS proposal, *Contemporary State Constitutional Conventions: Proposals for Pennsylvania and Beyond*, was selected by the Government Documents-SIS as one of their programs.

The winner of the 2011 Morris Cohen Student Essay Contest was Jed Glickstein, a J.D. candidate at Yale University. His paper was *After Midnight: The Circuit Judges and the Repeal of the Judiciary Act of 1801*. He presented his paper at our LH&RB Roundtable. The 2011 SIS Reception in Philadelphia was held at Philadelphia Rare Books and Manuscripts. They were wonderful hosts!

In 2012, the SIS sponsored, cosponsored, or independently produced four programs at the AALL Annual Meeting in Boston: *The Law of the Salem Witch Trials*,\textsuperscript{16} *Digitizing Legal History, “Digging” Legal History in Boston: The Case of the Boston Strangler*,\textsuperscript{17} and *Early Law Libraries as Historical Documents: Recording the Bookshelves of Long-Ago Lawyers*.

The winner of the fourth annual Morris L. Cohen Student Essay Competition, chaired by Rob Mead and Marguerite Most, was John Beerbower, a student at the University of Virginia School of Law. His essay was *Ex Parte McCardle and the Attorney General’s Duty to Defend Acts of Congress*. The Runner-up was Zoey Orol, a student at New York University School of Law. She presented her paper, *Reading the Early American Legal Profession: A Study of the First American Law Review* at the LH&RB Luncheon. The SIS held its Boston Reception at the Harvard Law Library’s Caspersen Room. The reception was hosted by Karen Beck, and a wonderful time was had by all.

The 2012 issue of *Unbound* was dedicated to Laura Bedard, a former SIS Chair and a dear friend. She passed away unexpectedly on May 7, 2012.

New restrictions on SIS programming at the annual meeting thereafter disproportionately impacted programming by small SISs such as ours. Its educational efforts were dramatically reduced. The reduction would have been even greater would it not have been for creative avenues such as using committee meetings for programming. The SIS was permitted to

\textsuperscript{14} Mr. Burke’s paper appeared in Volume 3 of *Unbound*, it having been determined that runner-up papers would be given the opportunity to be published there. Winning papers were considered for publication in *Law Library Journal*.

\textsuperscript{15} The last of these was again presented by Professor James Starrs.

\textsuperscript{16} Appropriately then-Chair Sarah Yates was the descendant of a convicted Salem witch.

\textsuperscript{17} The final program in the four-part series of “Digging” Legal History programs with Professor Starrs.

Sarah Levine-Gronningsater, a Ph.D. candidate at the University of Chicago was the winner of the fifth annual Morris L. Cohen Student Essay Competition. Her essay was titled Louis Napoleon’s Secret Service: Gradual Emancipation, Antislavery Legal Culture, and the Origins of the Lemmon Slave Case 1852. She was unable to attend the annual meeting, so Runner-up Matthew Axtell, a Ph.D. candidate at Princeton University, presented his excellent essay, Customs of the River: Legal Change and Shifting Hydrology in the 19th-Century Steamboat Economy.

In an agreement with the Technical Services-SIS, the Legal History & Rare Books-SIS took over sponsorship of the Rare Book Cataloging Roundtable. The move was designed to eliminate scheduling problems for both SISs. A new Rare Book Cataloging Roundtable Committee was started in 2013-2014 to organize the Roundtable each year.

Our long-serving webmaster, Kurt Metzmeier, successfully migrated the SIS website to AALL’s new platform in 2013. Laurel Davis was appointed co-webmaster for 2013-14, and took over from Kurt beginning with the 2014-2015 year.

LH&RB has continued to grow and expand over the years. The newsletter is usually published three times each year. In addition to articles on rare books and various aspects of legal history and book reviews, LH&RB includes columns by the Chair and Editor, and information on exhibits, acquisitions, and member news. It could not be published without the assistance of the following individuals who currently serve as editors: Kasia Solon Cristobal, Joel Fishman, Jennie Meade, Kurt Metzmeier, Stewart Plein, Linda Tesar, Mike Widener and Sarah Yeates. In addition, the following SIS members previously served as editors: Karen Beck, Daniel Blackaby, C. Frederick Le Baron, Anne Mar, Amy Taylor and Patricia Turpening.

An example of the dedication that the editors have towards LH&RB can be seen from this phone conversation:

   Me: Hello, law library.
   Book Review Editor Joel Fishman: Hi Mark! It’s Joel.
   Me: Joel! How are you doing?
   Joel: Fine. I just wanted to let you know that I will be getting a couple book reviews to you.
   Me: Wonderful—thank you!
   Joel: I’ll get them to you as soon as I get home from the hospital. They are wheeling me into surgery now.
   Me: Joel!!

We celebrated the 25th Anniversary of SIS in San Antonio in 2014. We marked the occasion with two outstanding programs: The Accidental Archivist: Creating Archives on a Shoestring

18 The newsletter really expanded with the Spring 2013 issue. At 115 pages, it was the longest issue in LH&RB history. Some law reviews are not that long.
Budget and The Civil Rights Act of 1964: Celebrating Its 50th Anniversary. Professor Sanford Levinson, a leading Constitutional law expert, spoke at the latter program.

The SIS also hosted its first-ever Legal History Meeting. Professor Michael Ariens of St. Mary’s School of Law, author of Lone Star Law: A Legal History of Texas, was the speaker. The SIS Reception was held at Mexican Manhattan on the Riverwalk and a 16th century “mystery guest,” later revealed to be none other than Sir Francis Bacon, put in an appearance at the SIS table in the exhibit hall. Chair Jennie Meade found edible “bookworms” for us to give away to visitors at the table; we also marked our anniversary by giving away two free one-year SIS membership, one to a CONELL member and one to a regular member, who successfully guessed the identity of our “mystery guest.” The SIS also formed an Outreach Committee in 2014 to handle promotional activities.

Bonnie Shucha, Assistant Director of Public Services at the University of Wisconsin Law Library, was the winner of the 2014 Morris L. Cohen Student Essay Competition. She presented her paper, White Slavery in the Northwoods: Early Sex Trafficking and the Reformation of Law in the Late Nineteenth Century, at the meeting. The Runner-up was Emily Ulrich, a graduate student in the Medieval Studies Program at Yale. Her paper was “Commoning” the English Common Law Treatise: Investigating Three Fourteenth-Century Copies of the Britton.

At twenty-five years of age, the Legal History and Rare Books-SIS remains a “small but mighty” SIS. We have approximately 200 members, yet we continue to provide top-quality programs at the Annual Meeting, sometimes finding creative ways to do so. We are in the seventh year of sponsoring a highly-regarded essay competition for law and library students and graduate students in history and related subjects. We publish both an online newsletter and an online annual both of which garner attention beyond our SIS.

Perhaps more importantly, as friends and colleagues the members of the SIS work to support each other. Post a question to the SIS Listserv or call an SIS member and you will receive help.

I will end this on a personal note: some of my favorite people in the world are members of this SIS. Karen Beck, Jennie Meade, Joel Fishman, Mike Widener, Warren Billings, Laura Ray, Kurt Metzmeier, Karen Wahl, Sabrina Sondhi, Rob Mead, Kasia Solon Cristobel, Anne Mar, Stacy Etheredge, Sarah Yates, and many others (forgive me if I missed you)...it has been such a joy getting to know you and work with you!

May our little SIS enjoy many more good programs and good essays and good articles and good books and continued good friendship in the next twenty-five years!

Chairs

1989-1990, Erwin Surrency
1990-1991, Michael G. Chiorazzi
1991-1992, Nicholas Triffin

19 Bacon believed in “the preservative and insulating properties of snow,” and reportedly died in 1626 of a severe chill after stuffing a dead chicken with snow in an attempt to prove his theory. The ghost of the frozen plucked chicken has since been seen at Pond Square, Highgate, England.
20 And also, concurrently, a part-time law student. Where does she find the time?
1992-1993, Cynthia Arkin
1993-1994, Daniel L. Wade
1994-1995, Mary Cooper Gilliam
1995-1996, Byron Cooper
1996-1997, Mark Folmsbee
1997-1998, Gretchen Feltes
1998-1999, Laura Anne Bedard
1999-2000, Daniel Smith
2000-2001, Joel Fishman
2001-2002, Katherine Hedin
2002-2003, Kurt Metzmeier
2003-2004, Mark Podvia
2004-2005, Robert Mead
2005-2006, Laura Ray
2006-2007, Laura Ray
2007-2008, Karen S. Beck
2008-2009, Karen S. Beck
2009-2010, Stacy Etheredge
2010-2011, Stacy Etheredge
2011-2012, Sarah Yates
2012-2013, Michael Widener
2013-2014, Jennie Meade
2014-present, Sabrina Sondhi