CITATORS OF PENNSYLVANIA

Joel Fishman, Ph.D.¹

Legal literature consists of a variety of secondary sources that assist the researcher in interpreting primary sources. Citators provide a useful tool for researchers needing to find citations to cases, statutes, and other primary sources.² Lawyers are of course familiar with Shepard's citators for almost one hundred years now. But Shepard's did not always dominate the legal field until after the first decades of the twentieth century.³ But it was not until the end of the first quarter of this century that Shepard's citators gained dominance in Pennsylvania. With over 1,100 volumes of appellate court cases and 1,000 volumes of county court cases, the need to update cases provided a need for a publishers to provide. This article discusses the history of citators from the nineteenth century down to the present for Pennsylvania.

Court reporters began to cite cases to update cases as early as 1830 when Thomas Wharton updated volume 1 of Dallas's Reports.⁴ Later editors, like J. Tyson Morris, in Penrose and Watts Reports, continued the practice and expanded the service.⁵ Morris's contribution to the reports was to provide a rudimentary citator system, providing citations to cases as overruled by, referred to, distinguished, commented on, commented on and distinguished, and followed. See for instance, 1 P. & W. 81, 252, and 459 (1880).

A. Nineteenth and Early Twentieth Century Citators

The first citator in Pennsylvania was Samuel Linn, An Analytical Index of Parallel References to the Cases Adjudged in the Several Courts of Pennsylvania: With an Appendix Containing a Collection of Cases Overruled, Denied, Doubted, or Limited in Their Application.⁶ In his preface, Linn first stated that the published work first began for private use, but "is now offered to the

Continued on Page 13 PENNA CITATORS

FROM THE CHAIR

Joel Fishman, Ph.D.

It has taken some time but I wish to first thank Mark Lambert and Mark Podvia for putting our newsletter together and getting one issue off before the annual convention. Additional thanks go to Mark Lambert for putting together a session on legal archives. Vice Chair Katherine Hedrin and Secretary Lucia Diamond have been staunch supporters of the SIS and I know will continue to expand our SIS in the new year. I also wish to thank Kurt Metzmeier for accepting the position of SIS webmaster and for assisting me in creating the State Legal Biography Project web site which is further discussed below. He has accomplished a lot while changing jobs in the middle of the year.

A couple of weeks ago, Lucia Diamond sent out minutes of the 2000 business meeting. I hope everyone had a chance to read them.

The Section has two sessions at the AALL Convention: Celebrating John Marshall: The Two Hundredth Anniversary of His Elevation to Chief Justice of the United States Supreme Court, 2:45-4:00 on Sunday, July 15th, with a business meeting to follow at 5:30-6:30.

The second session sponsored by Mark Lambert is Legal Historical Materials in a Nutshell: An Introduction to Legal Archives and Manuscripts, 10:45 a.m.-12:15, Tuesday, July 17, with a SIS roundtable meeting from 12:15 to 1:30.

Another important development is Kurt Metzmeier of the University of Louisville School of Law Library has taken responsibility for being the section's webmaster. We are one of the last SIS's to get a web site up and I am glad to announce that Kurt posted the web site on May 10, 2001!

I hope that our members can come up with history projects that we can load on the web site. For instance, I am just completing an index to the American Journal of Legal History Volumes 1-42 (1957-1998) that can be put

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CHAIR Continued from Page 1

up on our web site not only for our membership but for anyone interested in such a topic. Other bibliographies, digitizing of various legal history books, such as Blackstone’s Commentaries, would be an important contribution of our Section to legal historians throughout the world. So become an author of electronic publications and let me know what you might have available for posting.

Along with the web site, we hope to begin a major web project—State Legal Biography Web Project (SLBWP). At the meeting last year, I proposed the creation of this web site similar to the Federal Judiciary Center’s History of the Federal Courts which is a web site for the biographies of the entire federal judiciary since 1789. The new web site will hopefully contain biographical and bibliographical information on state judges, lawyers, law professors, etc. Kurt Metzmeier and myself are working on developing the web site with the assistance of some library-science students from the University of Pittsburgh School of Information Sciences. We will have a prototype up by the time of the convention.

Remember the Business meeting will take place on Sunday, July 15, at 5:30 to 6:30 and a roundtable meeting on Tuesday, July 17, from 12:15-1:30. I hope we can continue to discuss some of our ongoing projects and maybe develop some new ones. I expect that Prof. Johnson will attend the business meeting after the Sunday session, so please come and meet him.

I look forward to seeing everyone there.

Joel Fishman, Ph.D.
Chair

LII&RB Sessions At
AALL 2001

CELEBRATING JOHN MARSHALL: THE 200TH ANNIVERSARY OF HIS ELEVATION TO CHIEF JUSTICE OF THE UNITED STATES SUPREME COURT
SUNDAY, JULY 15, 2001
2:45 - 4:00

Our major speaker will be Prof. Herbert A. Johnson, Ernest F. Hollings Professor of Constitutional Law at the University of South Carolina Law School. His talk will be on the 20th Century Historiography of Chief Justice Marshall.

Prof. Johnson was one of the co-editors of the John Marshall Papers, co-author with George Haskins of Fundamentals of Power: John Marshall 1801-1815, volume two of the Oliver Wendell Holmes Devise History of the United States Supreme Court; general editor of the well-received series on the Chief Justices of the United States Supreme Court including the volume on Marshall, and author of many articles in legal history.

Joel Fishman will present a short paper on the law reports of the Marshall era. There will be time for questions at the end of the session.

Submitted by Joel Fishman.

LEGAL HISTORICAL MATERIALS IN A NUTSHELL: AN INTRODUCTION TO LEGAL ARCHIVES AND MANUSCRIPTS
TUESDAY, JULY 17, 2001
10:45-12:15

This session should interest not only archivists, manuscripts librarians, and legal historians, but also other librarians who must assist in maintaining and providing access to such collections. Other interested parties could include leaders of libraries that are considering starting an archives, libraries that have been approached by a prominent alumnus considering donating his papers to the library, or anyone who works at a library that includes such collections. Law library catalogers may find the session especially helpful, since it may shed some light on the peculiarities of these collections they must contend with in their libraries.

The session is scheduled for 90 minutes on Tuesday, July 17, from 10:45 a.m. to 12:15 p.m. An excellent group of speakers has been assembled. William J. Maher, University Archivist and Professor of Library Administration at the University of Illinois, Urbana-Champaign, will discuss the basics of archives and manuscripts. Bill has been University Archivist at Illinois since 1995, and before that, was Assistant University Archivist from 1977-1995. As Assistant Archivist, Bill worked for Maynard Brichford, himself a long-respected leader in the archives field. Bill holds a B.A. and M.A. in history, an M.L.I.S. in Archives, and is A.B.D. for a Ph.D. in European history.

Bill is a Past-President of the Society of American Archivists (1997-1998), and has written the first and only basic text on the management of college and university archives (The Management of College and University Archives, 1992), as well as dozens of scholarly articles and presentations. Bill’s department has the largest collection of manuscripts in Illinois, and also holds the AALL, as well as the AALS and ALA archives. The University of Illinois Archives is recognized as one of the leading university archives in the United States. Bill is also active in the international archival field, and last fall gave the keynote address at the Seminar of the Section of University and Research Institutions Archives of the International Council on Archives in Cordoba, Spain.

The moderator of the session will be Michael Widener, Archivist and Rare Books Librarian and Joseph D. Jamail Fellow in Law Librarianship at the University of Texas School of Law Tarlton Law Library, where he has worked since 1991. Mike holds a B.A. in journalism from UT Austin, and worked for years as a journalist. He also holds an M.L.I.S. in Archives and Manuscripts from the Graduate School of Library and Information Science of the University of Texas at Austin. Mike is a member of the Editorial Board of H-Law, the legal history electronic discussion list sponsored by H-Net and the American Society for Legal History. Mike is also a trustee of the Texas Supreme Court Historical Society, and is active in the Society of American Archivists, as well as the Society of Southwest Archivists. Mike researches and writes in the fields of archives and Texas legal history, and is the guest editor for a forthcoming special issue of the journal Legal Reference Services Quarterly entitled “Public Service Issues with Rare & Archival Law Materials.”

Mark Lambert will speak on the interesting and unique aspects of legal archives and manuscripts, and give tips to assist in dealing with them. Mark has been the Special Collections and Government Documents Librarian at the South Texas College of Law Library in Houston, Texas since 1999. Mark previously was the archivist of the San Jacinto Museum of History in Houston, Texas. Mark has also worked at the Archives of the UT School of Law, Tarlton Law Library, the Senator John G. Tower Archives, the Archives of the Episcopal Church of the USA, and the Archives of the Museum of Fine Arts, Houston, Mark holds B.A. and M.A. degrees in American History, as well as an M.L.I.S. in Archives and Manuscripts from UT Austin. Mark researches and writes in the fields of archives and history, and is Chair of the Hertzel Scholarship Committee of the Society of Southwest Archivists.

Professor Paul Finkelman from the University of Tulsa College of Law will discuss performing research in collections of legal materials, and how the issues of attorney-client confidentiality and privacy impact such research. Professor Finkelman is the Chapman Distinguished Professor of Law at Tulsa, and is an expert in American constitutional law and American legal history. He has authored or edited over a dozen books, has written more than 65 journal articles, and has presented more than 100 papers in Europe and North America. Professor Finkelman holds both a J.D. and a Ph.D. in history. He is an acknowledged expert on the law of slavery in the United States.

The program session is scheduled for 90 minutes, but if needed, the discussion can continue in a Roundtable session scheduled immediately after the program. Since the session is geared as an introduction to the topic, the Roundtable would be an excellent location to bring up more complicated issues in legal archives and manuscripts such as digitization, preservation of school web sites, or appraisal/documentation strategies.

Submitted by Mark Lambert, Special Collections and Government Documents Librarian, South Texas College of Law Library, Houston, TX.
LH&RB

LH&RB is published twice each year by the Legal History & Rare Books Special Interest Section of the American Association of Law Librarians.

Submissions for publication are encouraged. Correspondence can be sent to any of the Editors, the addresses of whom follow:

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**LH&RB 2000 Business Meeting Minutes**  
**July 16, 2000**

4:00-5:00 pm, Philadelphia Marriott Salon D

Present: Joel Fishman (Chair), Karen Beck (Outgoing Secretary/Treasurer and Recorder), Lucia Diamond (Incoming Secretary/Treasurer), Marianne Alcorn, Cynthia Arkin, Laura Bédard, Warren Billings, Daniel Boyer, Jolande Goldberg, Mark Lambert, Kurt Metzmeier, Thomas Reynolds, Janet Sinder, Barbara Tearle, Tylra Vetula. Chair-Elect Katherine Hedin was unable to attend.

The meeting was called to order at 4:00 pm.

1. Welcome by Joel Fishman

2. Approval of 1999 Minutes
   K. Beck distributed the 1999 minutes, which were approved by those in attendance.

3. Treasurer’s Report
   K. Beck reported that the section has a positive balance of $11,190.02, not counting expenses incurred at the Philadelphia Annual Meeting. J. Fishman reported that the SIS receives $6 per member each year.

4. Old Business
   a. Election Results
      K. Beck reported the results of the most recent election. J. Fishman continues as Chair, K. Hedin is Vice-Chair/Chair-Elect, and L. Diamond is Secretary/Treasurer/Listowner. Electronic ballots were submitted to SIS members with valid e-mail addresses; paper ballots were submitted to 43 members without valid e-mail addresses. Results were unanimous. The election was declared final and the Outgoing Secretary was given permission to destroy the ballots.

   b. Need Newsletter Editor
      After three years of producing an excellent newsletter, Daniel Smith is no longer able to continue. M. Lambert volunteered to create a newsletter in electronic format: either sent out via e-mail or posted on our web site (see below), or both. Discussion ensued about the desirability of distributing the newsletter in print format, electronic format, or both. K. Beck noted that approximately 43 SIS members do not have valid e-mail addresses. J. Sinder noted that if we distributed the
newsletter exclusively in electronic format we may not be able to reap advertising revenue unless it is possible to post ads on the section’s web site.

Discussion about size of the newsletter and frequency of publication followed. How much content can we get? Attendees agreed that we do not want to lard the newsletter with recycled announcements from AALL Spectrum, etc. W. Billings suggested that to put together an issue quickly, we should obtain speakers’ transcripts from Katherine Topulos’ four excellent legal history programs, and publish them in the next issue.

W. Billings suggested that we form an editorial board to draft guidelines for newsletter content. The board will prepare these guidelines in time for next year’s meeting. Newsletter Committee consists of: M. Lambert, W. Billings, K. Metzmeier, Mark Podvia and J. Sinder.

c. Revision of Bylaws

J. Fishman will review the section’s bylaws to ensure that they conform to AALL’s requirements.

5. New Business

a. Minute of Silence for Nicholas Triffin

After the minute of silence for Nick Triffin, attendees agreed that J. Fishman will approach Pace University Law Library with a donation of $250 from LHRB-SIS funds; Pace can use the money to purchase a rare book of its choosing in Nick Triffin’s honor.

b. Creation of an Archives Ad-Hoc Committee

Many attendees were extremely concerned about a gap in AALL’s offerings for law archivists: law archivists now go to the Society of American Archivists meeting, not ours. We should either try to lure them back into the AALL fold or make a firm decision to let SAA address their needs; however, some think that SAA does not adequately address law-related archives issues. Discussion ensued about where this function belongs, with attendees having diverse opinions as to whether the LHRB-SIS should assume jurisdiction over archives:

PRO: Archive-related issues should reside with LHRB, not in TS-SIS, because TS members do not understand the function of archives. SAA does not adequately address the law aspect of archives. If LHRB does not act, jurisdiction of archives matters will go to TS-SIS.

CON: There are too few of us in LHRB-SIS to take on archives issues; we should stick to true “legal history” and “rare books” concerns. One solution might be to form a caucus of interested individuals that might evolve into a new Archives-SIS in the future. Some noted that archives is not a “hot” topic in AALL; several good archives-related programs have been proposed and rejected in past years. However, others noted enthusiasm for a program on law archives.

C. Arkin, L. Bédard, M. Lambert, and K. Metzmeier offered to spearhead an archives task force to continue this discussion and propose solutions.

c. Web Site for Section

K. Metzmeier offered to work with AALL to create a web site for our section; we are one of the few Special Interest Sections that does not yet have a web presence.

d. Creation of a Historical Biographical and Bibliographical Web Site for State Court Judges and Lawyers

J. Fishman proposed that the SIS seek funding and create a site for state court judges and lawyers, similar to the web site already available for federal lawyers and judges. We might start with Dooley’s index and include obituaries of judges and lawyers. We can also scan “Bench and Bar” directories and add them to the web site. It is not anticipated that this project would entail original research; we perhaps could start by supplying bibliographical information for various historical sources and then later add the biographical content from these sources. J. Fishman noted that if the SIS contributes $1,500 per semester for an intern (i.e. $3,000 per year) the University of Pittsburgh will find a student to work on creating the web site for us. Attendees agreed that this is a worthwhile project for our SIS to undertake, and approved the expenditure of $3,000 to support the endeavor. Discussion about where the site would reside. Discussion about other sources of funds: the NEH, the NHPRC, Bar Associations.

It was suggested that we create a one- or two-state prototype and then use that to seek more funds. K. Metzmeier offered to do Kentucky; J. Fishman offered to do Pennsylvania. We may need an advisory board to determine the content and the “look and feel” and searchability of the site, to ensure uniformity among the various states. Discussion about the length of each entry: lengthy entries such as those found in the DAB/DNB, or short basic information? We must develop a template to give to the intern so he/she will know how to enter the data. J. Fishman will examine several sources for ideas on format.

e. Next Year’s Education Programs

Attendees suggested several ideas for programs for AALL 2001:


(2) Attorney/client privilege of lawyers’ papers: does
the privilege ever die? What are the implications for legal historians seeking access to these papers?

(3) K. Hedin is proposing a program on niche book collecting and Morris and Dan Cohen’s collection of children’s law books.

f. Other Business
   No other business.

6. Announcements

    J. Fishman reminded attendees about the Roundtable discussion on Tuesday, July 18, at 12:15 pm in Marriott Salon D. There is no set program or agenda for the Roundtable, but we can use the time to continue discussion of the issues raised today.

7. Adjournment

    The meeting was adjourned at 5:15 pm.

Submitted by Lucia Diamond, Secretary/Treasurer

LH&RB Roundtable
July 18, 2000

12:15-1:30 pm, Philadelphia Marriott Salon D

Present: Joel Fishman (Chair), Karen Beck (Outgoing Secretary/Treasurer and Recorder), Adrienne Adan, Marianne Alcorn, Laura Bédard, George Grossman, Mark Lambert, Naomi Ronen, Barbara Tearle, Katherine Topulos.

Those in attendance continued to discuss several projects raised in the Business Meeting:
1. Bibliography of official state court reports
2. Website of biographical and bibliographical information on state court judges
3. Subcommittees on Archives
4. Newsletter: attendees offered many suggestions for newsletter content

In addition, attendees raised the idea of having a liaison from our SIS attend the American Society for Legal History’s annual October meeting. J. Fishman will contact AALL Headquarters about creating a formal liaison program with ASLH. L. Bédard will attend ASLH in October 2000.

Submitted by Lucia Diamond, Secretary/Treasurer

Recent News Of Interest Concerning Rare Books:

LC Rare Law Book Cataloging Update

After implementation of the 2 new schedules KBR (History of Canon law) and KBU (Law of the Roman Catholic Church, The Holy See) in Early Winter, the LC Law Team and the Rare Book Team in conjunction with the Law Classification Specialist and staff of the LC Law Library began reclassification of some of the most important collections in the field of Canon law, not only to give the schedules a “trial run” but also to bring eminent source materials under bibliographic control. Targeted were early sources, including a broad range of incunabula (including Decretum Gratiani and decretal collections forming the Corpus iuris canonici), Rota Romana decisions, Bullaria and other principal sources of the law, followed by decretists, decretalists and the later canonists. Since most of these works were in the pre-MARC file, all access points of a reclass record have been updated.

Submitted by Dr. Jolande E. Goldberg, Senior Cataloging Policy Specialist/Law Classification, Cataloging Policy and Support Office, Library of Congress, TEL 202-707-4386, FAX 202-707-6629, E-mail: jgold@loc.gov.

Recent News Of Interest Concerning Legal History

The Merriam Conference on Current Issues in Legal History was held March 1-2, 2001 at the Arizona State University. The conference honored Dr. Paul Brand, Senior Research Scholar at All Souls College at Oxford University, who is the Arizona Center for Medieval and Renaissance Studies Distinguished Visiting Professor and College of Law Merriam Professor.

Dr. Brand presented a paper on Rhetoric and Reality: the Making and Enforcement of Thirteenth Century Legislation. Joining Dr. Brand in presenting papers was Professors Richard Helmholz of the University of Chicago, Canonical "Juries" in Medieval England; Charles Donahue of Harvard University, Once More the Problem of the 'Existence' of Lex Mercatoria: The Views of an Anonymous 13th-century English Treatise and of Benvenuto Stracca and Mary Sarah Bider of Boston College Law School, The Making of Transatlantic Legal Culture: Colonial Rhode Island and
the Empire.

Submitted by Marianne Alcorn, Head of Reference Services, Ross Blakley Law Library, Arizona State University.

For legal historians interested in Spanish and Latin American law, a new publication is out that may be useful. Professor Matthew C. Mirow at the South Texas College of Law, in Houston, Texas, has published "Latin American Legal History: Some Essential Spanish Terms," in 12 La Raza Law Journal 43 (2000-2001). The author has extracted Spanish words frequently found in ancient Spanish legal documents not defined according to their legal use in modern dictionaries, and gives their definitions when used in specific legal contexts. Professor Mirow researches and teaches Latin American Law, Property, International Law, and Legal History at South Texas College of Law.

Submitted by Mark Lambert.

Important Forthcoming Issue of Legal Reference Services Quarterly

Mike Widener, Archivist and Rare Books Librarian at the University of Texas School of Law Tarlton Law Library, is the guest editor of a forthcoming issue of the Haworth Press publication Legal Reference Services Quarterly. The issue is entitled "Public Service Issues with Rare and Archival Law Materials." It is anticipated that this issue will be Volume 20, nos. 1 and 2, due out this summer. Several of the section's members have articles included. This publication should be of keen interest to the members of this section, since it touches on many relevant issues we are currently contending with, such as the value of rare books in a digital age, evaluating rare and archival legal materials web sites, research trends in legal history, and access to lawyer’s papers.

Recent News of Interest Concerning Legal Archives

On December 19, 2000, Yale University announced in the Chronicle of Higher Education, that they had acquired the historical records of Cadwalader, Wickersham, and Taft, the oldest continuously operating law firm in New York City. The firm was founded in 1792, during the presidency of George Washington. The materials will go to the Sterling Library's Manuscripts and Archives department. The firm's client list includes members of New York's foremost families such as the Astors, Belmonts, Whitneys and Vanderbilts. The firm also represented many artists, such as songwriter W. C. Handy and playwright Eugene O'Neill.

(CWT) started as a one-person law firm serving the needs of a largely agrarian nation. In 1818, founder John Wells formed a partnership with George Washington Strong (Class of 1803), a prominent member of New York society. In addition to directly documenting the legal profession and the growth of corporate law firms, CWT's records offer insight into the economic and social history of New York City in the nineteenth and early twentieth centuries.

Totaling over 300 boxes, the files include bound suit registers recording the steps taken in litigated cases, real estate registers, financial ledgers and charge records, client files, general firm administrative records and correspondence and partner's correspondence and scrapbooks.

As of March 13, 2001, a one-stop "Archives Hub" was announced for all of the college and university archives in the U.K. Located at <http://www.archiveshub.ac.uk>, it uses international standards for the description of archives (ISAD (G)), their format (EAD); and their retrieval (Z39.50). The Archives hub will eventually become part of the UK's newly emerging National Archive Network.

The Missouri State Archives on March 30, 2001 announced an exhibit on the State's Supreme Court, entitled "The Verdict of History." The exhibit, on display at the court, examines Missouri's judicial record. Eight panels highlight cases on Dred Scott, woman's suffrage, and political corruption. The exhibit is on display through May.

The Jamail Center for Legal Research, The University of Texas at Austin, is proud to announce the completion of its Texas Constitutions Digitization Project. The website, located at <http://www.law.utexas.edu/constitutions/>, provides access to a complete collection of the seven constitutions that have governed Texas in its days as a Mexican state, an independent republic, and as a state up to the adoption of the present constitution in 1876. It also includes the Mexican Constitution of 1824, the Texas Declaration of Independence and some proposed constitutions that were never enacted. The Spanish-
language editions of several of these documents are also available.

The constitutions are available both as searchable text and as image files. "Students, faculty and researchers across Texas and around the world now have access to these important historical and legal documents," said Professor Roy M. Mersky, director of the Jamail Center. "The project also helps to preserve the rare and fragile originals."

Also available is a bibliography of the original editions of the Texas constitutions, as well as a bibliography of historical works on Texas constitutional history. In addition, there is a selected set of links to other Internet sites with related materials.

Texas is still governed by the 1876 Constitution, which has now been amended 308 times. The project includes only the original, unamended version of the 1876 Constitution.

The Internet Scout Project recently highlighted the Texas Constitutions Digitization Project in its weekly Scout Report, one of the Internet's oldest and most respected publications. The selection was based on the site's usefulness, depth of content, authoritativeness, and presentation.

The Texas Constitutions Digitization Project was made possible by a $20,000 TexTreasures grant from the Texas State Library and Archives Commission. The Center for American History at The University of Texas at Austin provided several of the documents from its collections.

The scanning and indexing was done by Information Access Institute of Georgetown, Texas, a nonprofit corporation that works with libraries, museums, archives, and others to plan and implement Internet services.

For additional information, contact Mike Widener at the Jamail Center for Legal Research, The University of Texas at Austin, (512) 471-7363; e-mail mwidener@mail.law.utexas.edu.

Documents in the Texas Constitutions Digitization Project: Federal Constitution of the United Mexican States, 1824 (English & Spanish); Constitution of the State of Coahuila and Texas, 1827 (English & Spanish); Constitution of the Proposed Mexican State of Texas, 1833; Declaration, with Plan and Powers of the Provisional Government of Texas, 1836 (English & Spanish); Texas Declaration of Independence, 1836 (English & Spanish); Constitution of the Republic of Texas, 1836 (English & Spanish); Constitution of the State of Texas, 1845 (English & Spanish, plus title page of the German edition); Constitution of the State of Texas, 1861 (seceding from the U.S. and joining the Confederate States); Constitution of the State of Texas, 1866 (rejoining the U.S.); Constitution of the State of West Texas, 1868; Constitution of the State of Texas, 1869 (Reconstruction constitution) (plus title page of the German edition); Constitution of the State of Texas, 1876 (English & Spanish, plus title page of the German & Czech editions).

Submitted by Mark Lambert.

University of Texas Law Library Language And The Law Conference

The Jamail Center for Legal Research at The University of Texas at Austin will celebrate the acquisition of its Millionth Volume with a conference on Language and the Law, scheduled for December 6-8, 2001, in Austin, Texas. Roy M. Mersky, Director of the Jamail Center for Legal Research, would like to invite you to join in this major international event.

This conference will bring together some of the leading legal scholars in the world to discuss the impact of language on the law from various perspectives. Among the illustrious speakers will be John H. Baker and Sir David Williams of Cambridge University; Morris L. Cohen and Fred R. Shapiro of Yale Law School; Bryan A. Garner, President of Lawprose, Inc. and editor of "Black's Law Dictionary"; Thomas H. Reynolds of the University of California, Berkeley; Christopher Ricks of Boston University; and Victor Tunkel, Secretary of the Selden Society.

Roy M. Mersky would be honored to have you attend as these panelists discuss topics as diverse as The Evolution of Legal Lexicography, The Plain Language Movement, and The Law In Context. In addition, a preconference workshop on "Collecting Law Books and Manuscripts" will be given by Anthony Taussig, a London barrister who is the world's leading private collector of rare English law books and manuscripts.

For more information on the Language and the Law conference, please contact Roy M. Mersky at (512) 471-7735 or visit the conference Language and the Law Website at <http://www.law.utexas.edu/conference>.

Submitted by Mike Widener, Archivist and Rare Books Librarian, Tarlton Law Library, University of Texas School of Law, Austin, Texas.

Reprint Now Available

University of Texas Law Library Inaugurates Legal History Publication Series

The Jamail Center for Legal Research, The University of Texas at Austin has recently launched a new publication series, the Tarlton Law Library Legal History Series. The first two volumes in the series are by legal scholars of international renown.

Number One in the series, "The Illustrations of the Sachsenspiegel: A Medieval German Law Book", is by Guillermo F. Margadant, Mexico's leading legal historian. The publication includes 16 illustrations from the Wolfenbuttel Sachsenspiegel, one of four 14th-century illustrated manuscripts of the law code that survive. In an essay that is both scholarly and entertaining, Margadant shows how the illustrations and the text are intimately related, and how they provide a window on society and politics in medieval Germany.

Number Two in the Tarlton Law Library Legal History Series, "Inside Justice Hugo L. Black: The Letters", is by John P. Frank, who began his distinguished legal career as Justice Black's law clerk. Black was one of the most influential jurists of the 20th century, and has a place on almost any list of the all-time top ten Supreme Court Justices. He is best remembered for his defense of civil liberties. "Much of our Constitution today is Black's constitution," writes Frank. Based on their conversations and letters, Frank paints an intimate portrait of Justice Black: the family man, the mentor, the jurist, and the civil libertarian.

The Tarlton Law Library Legal History Series plans to publish a wide range of texts, including historical essays, oral history interviews, annotated bibliographies, and unique documents. The series editor is Michael Widener, Archivist/Rare Books Librarian at the Jamail Center for Legal Research. The publications can be ordered via the Jamail Center's publications website, at <http://www.law.utexas.edu/pubs/order.htm>, or by contacting the Publications Coordinator (Publications Coordinator, Jamail Center for Legal Research, University of Texas School of Law, 727 East 26th St., Austin, TX 78705-3224; phone 512/471-7726; fax 512/471-0243).


Submitted by Mike Widener.

Library Announcements

The library of South Texas College of Law is in the final stages of moving into its new quarters in the Fred Parks Law Library. The Fred Parks Law Library is a five-story structure located on the South Texas College of Law campus in downtown Houston. The library is named for Fred Parks, an alumnus of the school (1937) and legendary Houston civil trial attorney who has recently donated the records of his fifty-year career in the law to the school library's Special Collections department.

When completed in June 2001, the library will include an improved Special Collections department with additional shelf space for the growing collections, as well as a state-of-the-art HVAC system and an FM200 gas fire suppression system.

Submitted by Mark Lambert.

Web Sites for Archivists

This column will highlight web sites all archivists should be aware of. We start with the basics:

Society of American Archivists, the national professional organization for archivists in the United States, contains a large amount of useful information: <http://www.archivists.org/>

Repositories of Primary Sources, a worldwide listing of over 4500 archival and manuscript repositories: <http://www.uidaho.edu/special-collections/OtherRepositories.html>

National Archives, main link, the federal agency in the United States tasked with the long-term preservation of federal government records. There is much information of use here: <http://www.nara.gov>

NEDCC: Preservation Publications On-line, from the Northeast Document Conservation Center, one of several regional preservation centers in the United States, and considered a leader in the field: <http://nedcc.org/pubs.htm>
National Park Service Conserve-grams, containing information on preserving artifacts and documents from the Museum Management Program of the NPS: <http://www.cr.nps.gov/csdp/publications/conservegrams/cons_toc.html>

Cool: Conservation On-line, hosted by Stanford University, is an excellent information resource for archival, preservation and conservation professionals: <http://palimpsest.stanford.edu>

Council on Library and Information Resources, a national advocacy group for preservation of cultural resource collections in the U.S., and one of the leaders in providing information on digitizing historical manuscript collections: <http://www.clir.org/>

Archives and Archivists Internet Discussion List (we'd say listserv, but that's a copyrighted term!): <http://listserv.niu.edu/archives/archives.html>

Lee Miller’s Ready, Net, Go! Internet Resource for Archivists, a catchall site for archivists, though with annoying frames: <http://www.tulane.edu/~lniller/ArchivesResources.html>

University of Houston’s Special Collections Web Resources, another catch-all site, easier to use than Lee Miller’s site, with the information divided into subject categories: <http://info.lib.uh.edu/speccoll/specres.htm>

Submitted by Mark Lambert.

Almost The Only Web Links You Will Ever Need For Legal History

The H-Law site; if you haven't looked at this list of links in a while, you are missing A LOT: <http://www2.h-net.msu.edu/~law/websites.htm>

The Federal Judicial Center, includes publications concerning the location and preservation of Federal Judges Papers: <http://air.jfc.gov/history/publications Frm.html>

Submitted by Mark Lambert.

Member Announcements

David Bryant wrote a semi-autobiographical article appearing in Experience, ABA Journal of the Senior Lawyers Division, v.11, no.3 (Spring 2001) pp.33-35, entitled "Antiquarian Law Books: A Labor of Love." David will be speaking on "The Medieval Law Library: Evolution from Byzantium to Bologna; From Canon to Civil Cabinets," as part of a program on Medieval Librarianship at the 36th International Congress on Medieval Studies in Kalamazoo, MI on May 4, 2001 at 10:00.

David Bryant also completed instruction of Law Library Administration (LIS 788) in April 2001 for the Dominican University Graduate School of Library and Information Science at the Chicago Bar Association campus as an adjunct faculty, and recently began serving for a second year as representative of the public on the Illinois State Library Advisory Committee under Secretary of State Jesse White.

This summer, Karen Beck resumes work on her book about the private law libraries of nineteenth-century American lawyers. She also will begin an intensive summer program in Latin, and -- like the swallows returning to Capistrano -- will once again head off to Charlottesville in July to study special collections librarianship at Rare Book School.

Dr. Warren M. Billings, Distinguished Professor of History at the University of New Orleans, published A LAW UNTO ITSELF: ESSAYS IN THE NEW LOUISIANA HISTORY, which he edited with Dr. Mark F. Fernandez, Associate Professor of History at Loyola University of the South. The volume is an imprint of the LSU Press. He also delivered a talk entitled "Mixed Jurisdictions and Convergence: The Louisiana Example" at the annual conference of the International Association of Law Librarians, which met in Dublin in August 2000. An extended version of his remarks, together with a bibliography of relevant authorities, will appear in a forthcoming issue of IALL's journal. At the annual meeting of the Louisiana Historical Association in March 2001, Professor Billings was inducted into the Association's Company of Fellows in recognition of his teaching and his singular contributions to the field of Louisiana legal history.

Marcia Zubrow, Head of Information Services, Charles B. Sears Law Library, University at Buffalo, State University of New York is spending her six month sabbatical leave working on an early English legal history project at the Squire Law Library, University of Cambridge. She is a Visitor in the Law School and a Visiting Scholar at Hughes Hall.

Mark Lambert, Special Collections and Government Documents Librarian at the South Texas College of Law Library in Houston, Texas, has been admitted to the South Texas College of Law and will begin attending law
school there in the fall of 2001 as a part-time night student.

Formation of the Ad-Hoc Archives Committee

At last year’s business meeting of the LH&RB SIS, an Ad-Hoc Archives Committee was created consisting of section members Cynthia Arkin, Laura Bedard, Kurt Metzmeier, and Mark Lambert. The purpose of this committee is to gauge the level of interest in AALL concerning legal archives and manuscripts, and whether these topics should become a regular part of the agenda of the LH&RB SIS or any other SIS.

Several members of the Technical Services Special Interest Section (TS-SIS) have also expressed an interest in this subject. At least one of the members of LH&RB SIS feels the LH&RB SIS would be a more appropriate location for the committee, considering archives and manuscripts close association with both legal history and rare books.

Following AALL, an announcement concerning the formation of the committee was posted on several electronic discussion lists. A total of 24 affirmative responses were received. It is hoped that there will also be a good turnout for the AALL program session concerning legal archives and manuscripts this year, which could then be used to justify the creation of a permanent committee on this topic within AALL.

If you have a strong interest in this topic, and are able to go to the AALL annual meeting, please attend the session, or notify the chairman of the committee, Mark Lambert, Special Collections and Government Documents Librarian, South Texas College of Law Library, 1303 San Jacinto St., Houston, TX 77002-7000, phone: 713-646-1720, e-mail: mlambert@stcl.edu

Submitted by Mark Lambert.

“I Didn’t Plan On Being An Archivist!”
Two Annual Programs to Get Quick, Down and Dirty Archival Training

MODERN ARCHIVES INSTITUTE:
The National Archives and Records Administration, in cooperation with the Library of Congress, announces the Modern Archives Institute to be held January 28 to February 8, 2002 and June 3 to June 14, 2002.

PURPOSE: To introduce participants to archival theory and practice and the responsibilities of archival work.

PARTICIPANTS: Participants usually have limited archival experience and represent a wide variety of archival repositories, large and small, public and private. Priority is given to persons who work with archives or manuscripts. Managers whose organizations include archival units, persons from other professions who require a basic understanding of archival work, and those who are preparing for a career in archives and manuscripts will be admitted on a space-available basis.

PROGRAM: The 2-week program provides an introduction to archival principles and techniques for individuals who work with personal papers, as well as those who work with the records of public and private institutions and organizations. It is intended to help archivists acquire basic knowledge about caring for archival materials and making them available. The Institute concentrates on the following basic archival functions: Acquisition of archival material; Appraisal and disposition; Arrangement and description; Preservation; Reference and access; Public programs.

Other topics include the management of archival institutions; administration of special types of archival materials, such as photographs and electronic records; funding; and ethics. The program includes lectures, discussions, workshops, a full day of activities at the Library of Congress, and tours of various units of the National Archives and Records Administration. Continuing education units are offered. Participants will receive several archival publications as well as other materials.

COST OF THE INSTITUTE: The fee is $645. This includes publications and instructional materials. Transportation, room, and board are not included. Payment is required before participants can be considered enrolled. Enrollment is on a first-come, first-served basis.

INFORMATION AND REGISTRATION: You can print out the Application for Enrollment available at the NARA web site and mail to the address below.

Modern Archives Institute
Staff Development Services (NHS)
Room 1200
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
Phone: 301-713-7390, ext. 260
Fax: 301-713-7342
E-mail: mary.repluto@nara.gov
2001 WESTERN ARCHIVES INSTITUTE:
The 15th annual Western Archives Institute will be held at the University of Redlands in Redlands, California, July 29 to August 10, 2001. Sponsored by the California State Archives and the Society of California Archivists, the Institute is the only program of its kind in the western United States. The program provides integrated instruction in basic archival practices to individuals with a variety of goals, including: those whose jobs require a fundamental understanding of archival skills, but who have little or no previous archivist education, those who have "expanding responsibility" for archival materials, those who are practicing archivists but have not received formal instruction, or those who demonstrate a commitment to an archival career.

PROGRAM SUMMARY: The two-week, intensive program will feature site visits of historical records repositories, and a diverse curriculum that includes: history and development of the profession; theory and terminology; manuscripts acquisition; reference and access; arrangement and description; archives and the law; automation; preservation administration; outreach programs; care of photographs; appraisal: records management; managing archival programs and institutions.

COSTS: The estimated registration fee of $550.00 covers all instruction and includes copies of a selection of archival texts, handouts and a six-month membership in the Society of California Archivists. The registration fee does not cover transportation, housing and meals.

APPLICATION DEADLINE: April 16, 2001. For an application or further information, contact:

Administrator,
Western Archives Institute
1020 O'Y Street
Sacramento, CA 95814
Phone: (916) 653-7715
Fax: (916) 653-7134
E-mail: ArchivesWeb@ss.ca.gov

Submitted by Mark Lambert.

Member Exhibitions

At the Boston College Law Library, Karen Beck (Legal Reference Librarian) and Susan Sullivan (Public Services Librarian) have just completed an exhibition on the history of the casebook, drawing on items from the permanent collection in the Coquillette Rare Book Room. Forthcoming exhibits include "Collectors on Collecting" in 2002 and an exhibition/symposium on Francis Bacon in 2003.

Information on exhibitions and other activities in the Daniel R. Coquillette Rare Book Room will be available via the web in summer 2001, as part of the BC Law Library's redesigned web page.

Submitted by Karen Beck, Legal Reference Librarian, Boston College Law Library, Boston, MA.

Recent Acquisitions

The Boston College Law Library recently received a generous gift of fifteenth- and sixteenth-century law books from Boston College Law School Professor and former Dean Daniel R. Coquillette. Among the treasures are copies of Aquinas' Summa Theologica, Bracton's De Legibus, the Corpus Juris Civilis, Fitzherbert's Graunde Abridgement and Nouvelle Natura Brevium, Glanville, Magna Carta, Pope Gregory's Decretals, Justinian's Institutes, and St. Germain's Doctor and Student.

BC Law Library also recently purchased the Litchfield Law School notebooks of James Booth, Jr. Booth prepared these two volumes of notes at Litchfield in 1810-1811. Subjects include Pleas and Pleading, Sheriffs and Jailors, Inns and Innkeepers, Contracts, Torts, Slander, Alienation by Deed, and Trespass. Mr. Booth went on to become Chief Justice of the Delaware Supreme Court.

Other recent BC acquisitions include several volumes of court reports once owned by the eighteenth-century American lawyer and Patriot James Otis, and others formerly owned by the Robert Achnutay (father and son -- the latter a Loyalist) and later by Supreme Court Justice Levi Woodbury.

These newly acquired books will be exhibited in the BC Law Library's Daniel R. Coquillette Rare Book Room in Fall 2001. (Submitted by Karen Beck, Legal Reference Librarian, Boston College Law Library, Boston, MA)

The South Texas College of Law Library Special Collections department has recently acquired two rare texts important to the history of Spanish and Latin American law, which also may be needed by researchers of Texas law and legal history. They are the Curia Philipica, and the Codigos Españoles.

The Curia Philipica, Primero Y Segundo Tomo, by Spanish Jurist Juan de Hevia Bolanos, was published in numerous editions during the 18th and 19th century. The South Texas copy was published in 1761. It is an important book on Spanish legal procedures, encompassing Spain's civil, criminal, ecclesiastical, commercial and maritime law. The Texas Supreme Court cited the Curia during Texas' early years [The Court used the alternate spelling Curia Filipica in its
citations. See Hatch v. De La Garza's Ex'or', 22 Tex. 176 (1858); City of Galveston v. Menard, 23 Tex. 349 (1859); and Cavavos v. Trevino, 35 Tex. 133 (1871).

Los Codigos Espanoles Concordatos Y Anotados, published from 1847-1851, is a twelve-volume compilation of the ancient codes of Spain. This set is irreplaceable for researchers of Spanish and Latin American law, because it unites in one set all of the important old Spanish codes, which is probably impossible to achieve using the originals without traveling to Spain. Included in the set are the Fuero Juzgo (654) [For information on the Fuero Juzgo, see 8 ILL. L. REV. 1-18 (1913)], the Fuero Viejo (1212), the Leyes de Estilo (1310), the Fuero Real (1255), the Ordenamiento de Alcala (1348), the Siete Partidas (1348) [For information on the Siete Partidas, see 1 CAL. L. REV. 487 (1913), or Las Siete Partidas, Volume One: The Medieval Church, The World of Clerics and Laymen, Samuel Parsons Scott, trans., Robert I. Bums, S.J. ed., Philadelphia: University of Pennsylvania Press, 2001], the Especulo (1258), the Ordenanzas Reales de Castilla (1484), the Nueva Recopilacion (1567), the Novisima Recopilacion (1805), the Autos Acordados (1723), and the Ordenanza de Bilbao (1737) [See Borchard, Edwin M., and Thomas W. Palmer, Jr., Guide to the Law and Legal Literature of Spain, issued by the Library of Congress, Washington: Government Printing Office, 1915, and Kavass, Igor L., "Latin American Legal Systems: A Peripatetic Survey," Godan, Jurgen C. and Bernard D. Reams, Jr., editors, Catalonia, Spain, Europe, and Latin America: Regional Legal Systems and Their Literature, Buffalo, New York: William S. Hein & Co., Inc., 1995].

These ancient codes still have usefulness hundreds of years later, evidenced by their citation in Texas case law. For the Siete Partidas, see numerous citations, including Holman's Heirs v. Peebles, 1 Tex. 673 (1846); for the Ordenanza de Bilbao, see Gautier v. Franklin, 1 Tex. 732 (1846); and for the Novisima Recopilacion, see both 1 Tex. 673 (1846) and 1 Tex. 732 (1846).


Submitted by Mark Lambert.

PENNA CITATORS Continued from Page 1

Profession with the hope that they may derive some benefit and assistance therefrom." Recognizing the large number of volumes and number of cases, it has to "render the labor incident to the investigation of questions daily occurring in practice exceedingly irksome; and the contradictory cases which are to be found scattered throughout the books." Acknowledging the benefit of the digests, this work was auxiliary to them. "Its intention is to enable the student to refer from any given case on any given subject, to all the subsequent cases where the principal case has been cited or commented upon by court or counsel, thus bringing into view at a glance, most if not all of the later authorities on the same point." By preparing such a work, "a principle may be readily pursued through the books from its origin to its latest growth—from its infancy until it arrives at full stature." Another advantage "intended to be derived therefrom is the means which it will afford to test the value of any case, as authority for the principle which it purports to decide, by the references to all the subsequent cases wherein it is mentioned or commented upon in the opinion of the court." George Sharswood, Chief Justice of the Pennsylvania Supreme Court, observed the necessity of citators in a letter to Linn:

To be able to ascertain almost at a glance, whenever a case is cited, the extent of its authority, will make it an essential vade mecum of the practitioner; while to the student, the counsel and the judge, to be thus assisted by reference to all future cases in which the principal case has been cited and relied on as authority, commented on, explained, qualified, doubted, shaken, or overruled, will so materially assist legal investigation, that its importance can hardly be overestimated."

Linn listed cases alphabetically in large type with references to the volume and page cites where they had been cited. Rather than a vertical listing, cases were published on a line with cases separated by semi-colons. Cases with an asterisk after the citation "indicates that the Case has been noticed in the Opinion of the Court; its absence denotes that the case had been cited by Counsel in the Argument, and not mentioned by the Court." This initial volume covering the nominative reports down to 21 Pennsylvania State Reports had 668 pages of citations, generally between 8 and 12 citations per page.
The appendix contained 101 pages contained cases overruled, denied, doubted, etc. through volume 26 of the State Reports. 477 cases were listed alphabetically containing in the first paragraph the point of law under review and then a following paragraph containing reference to a case and quote from subsequent cases. Linn drew a distinction in the selection of his cases under review:

"There may be, and no doubt are, many cases in effect overruled by subsequent decisions; but it has been thought most safe and prudent to notice only such as have been directly and in terms overruled, qualified, &c. Any other course would tend to mislead the profession, and would be productive of mischief rather than god." When a case is said to have been explained, overruled, &c., care has been taken to give the language of the Court, in justification of the assertion."

How useful this work would prove to the bar at large was a question asked by the editors of the American Law Register: "If it does [accomplish its design], no active practitioner in this State, or perhaps any other State, can afford to be without it. If it does not, it is worthless, and will serve only to mislead and embarrass." The authors tested the work on four named cases and several pages where up to 123 references were cited. After estimating almost 50,000 references in the work, the editors were laudatory:

"When it is remembered that each reference has been carefully consulted, and most of them necessarily studied, the amount of "patient labor" is truly wonderful. We have taken the pains to study up one or two of the cases to see whether we could discover any omission, but our researches have not enabled us to find that any reference has escaped the diligence of Mr. Linn. It is not often that a professional book falls under our editorial attention that has challenged so much investigation at our hands, and has left us so little to complain of. The design of Mr. Linn is fully and adequately accomplished, and the student hereafter will have nothing to do but to note on the margin of his copy any additional references, and he will always have an index of real practical value to aid him in his researches."

Jesse Landis (1821-1873), a member of the Lancaster bar, published a supplement to Linn's volume in 1873. His dedication was to the Lancaster Law Library Association. Landis had recognized the importance of Linn's work and had begun immediately keeping it updated. The Lancaster bench and bar understood its value and insisted upon its publication. The volume contained the reports from volumes 21 to 69 of the State Reports (9 Harris to 19 P.F. Smith's Reports), 3 volumes of Grant's Reports, and the first four volumes of the Philadelphia Reports. Landis omitted citations to cases cited by counsel. An appendix contained a list of cases overruled, doubted explained, criticized, etc. (pp. 527-50). The case was provided with a reference to remark or comment on, considered, in with the name of the case and citation. Citations were by nominative name and not by the numbered volume of the State Reports series.

Landis remarked that "[t]he possession of this book need not necessitate the purchase of the other." Although styled a Supplement, "it is nevertheless complete and entirely distinctive in itself...." Although some cases appeared in the first volume but not in this one, they were of little importance, since they were not cited in the twenty-year period between publications.

James Reid published his Reference Index of Parallel Cases in 1891 for which a twenty-year lapse "ought certainly to justify the offering of an entirely new index." Reid claimed the work to be entirely his own. He reviewed all cases from 1 Dallas to volume 138 of the State Reports (i.e., 23 Crumrine). He cited cases only cited by the court, but added the "point" in each reference. Rather than have an appendix, for overruled or qualified cases, the author adopted the method of noting the fact conspicuously in the case itself.

The "established popularity" of Reid's work and numerous inquiries made to the author for a continuation led to a supplement published in 1897 by the Johnson Company.

William Crowther published a different kind of work in his The Desk Book of Pennsylvania Decisions (1924). Crowther offered his work to the practitioner, who "has felt the need of quick and easy access to the official reports." Following Sharswood's admonition "that it is not so much to know the law, as to know where to find it," he compiled a work based on the classification system of the West's American Digest System. He listed a digest topic, provided the section names of the
subtopics, and then listed cases under each subtopic number. He felt that "as soon as a decision is handed down it becomes an authority and therefore one which may with profit be examined." Given the improved use of digests and citators during this same period, the title must be considered successful to be published for this period of time.

David Clare Good published the first citator for statutory law in his Reference Index of Decisions on Acts of Assembly from 1679 to 1898. This work collected more than 15,000 citation references. Coverage included citations to the British statutes in force from Roberts' Digest, the Duke of York's Laws, the first seven volumes of Smith's Laws (1700-1822), the Laws of Pennsylvania (1823-1897), and the Constitution of 1874. In double columns, he provided the reference to the cited statutory reference to the case citation and date of the case. A second edition published ten years later contained references to more than 40,000 citations! Good claimed the citator "gives the practitioner a ready reference to the cases of each particular act of assembly touched upon by the courts, showing the trend of judicial authority—a system which no other digest or other work of citations gives." The publication provided access to acts by page of the Pamphlet Law, by the date of the approval of the act or by its subject. Supreme Court cases were listed if available; if not, lower court cases were listed and grouped together and noted as so [same case]. Supreme Court cases affecting lower court cases were also identified. Additional supplements were published covering 1908 to January 1, 1912 (over 5,000 cases) and then from January 1912 to June 1915. In 1916, Good may have attempted to publish a serial update to the set, but it probably did not last any longer because of Shepard's citators incorporating the information as well in their publications.

B. Shepard's Citators

It was in 1873 when Frank S. Shepard left the E. B. Meyers Company in Chicago to begin his own publications that became known as citators. Shepard's Citations provide accurate, timely and comprehensive citation coverage for Pennsylvania cases both in hard copy and online (through LEXIS and WESTLAW). Shepard's citators for cases allow the researcher to obtain the parallel citation for the case, history of the case, the treatment of the case and references to secondary sources covered in periodicals, American Law Reports annotations, and Shepard's legal treatises. Shepard's citators verify whether a cited case has been affirmed, overruled, cited in dissenting opinion, criticized or distinguished in citing cases. The treatment of the case provides citations to later cases citing the cited case in court cases reported in the various federal, regional and state reporters.

Shepard's citators for Pennsylvania have a confusing publishing history, since the early volumes dealt with different reports. The first citators were stamps that one cut from a book and pasted into the volume next to the appropriate case citation. Pennsylvania citations began in 1901 in the first two editions. A second edition followed the following year as Shepard's Citations of All Cases in the Pennsylvania State Reports Which Have a Subsequent Citation. The preface highlighted the changes between the first and second editions. The print was new and larger type, with the page number listed in bold-faced type. Second, besides official reports, Atlantic Reporter, American Reports, American State Reports, and Pennsylvania Superior Court Reports were covered. Third, citations to cases appealed to the U. S. Supreme Court were now covered. Fourth, "Inot alone gives all the subsequent citations of each case, but also shows the exact point in the syllabus to which it has been cited.... This feature alone being something which no other work on citations will give you." Fifth, letters at the left of the volume number showed the history and treatment of the case as we understand it in today's current citator. Finally, all of the supplements have been incorporated into a single listing to make it complete and up to date.

Two citators dealing with the Supreme Court appeared in third editions in 1907: Shepard's Pennsylvania State Citations: A Compilation of All Cases Reported in the Pennsylvania State Reports and Shepard's Early Pennsylvania Citations covering the nominative reports (but not Sadler). The two sets appear to be combined in the 1916 edition (also listed as third edition) under the new title, Shepard's Pennsylvania Supreme Court and Statutory Citations. This volume consisted of combined Supreme Court cases, the four Constitutions and pamphlet laws (i.e., Laws of Pennsylvania) cited in Pennsylvania Supreme and Superior Court Reports, Atlantic Reporter, U. S. Reports, Federal Reporter, New York Reports, and Massachusetts Reports. Supplements were eventually converted to a second bound volume covering from 1916 to 1933 and a third bound volume supplement from 1933 to 1945. Supplementary pamphlets brought the set down to 1956 incorporating reports from Supreme, Superior and county or lower courts.

In a third publication, Shepard's covered the Superior Court sometime in 1901 as Shepard's National System of Adhesive Annotations: Pennsylvania Superior Court Decisions with a second edition published in September 1907. In 1916, a third edition added lower
court opinions, Shepard's Pennsylvania Superior Court and Lower Court Citations. Supplements grew until a single volume covered from 1916 to 1944. Thereafter, the advance sheets covered all three levels of reports as shown in the previous paragraph.

Another citator volume was Shepard's Pennsylvania Classified Topical Index (1924) followed by a bound volume supplement after ten years (1924-1934). Shepard's Pennsylvania Table of Cases (1925) numbered to the classified index published previous year.

Shepard's Pennsylvania Citations, fourth edition, dated 1956, was divided into the Case Edition (1 part) and Statute Edition (1 part). The Case Edition covered the early nominative reports and volumes 1 to 380 of the Pennsylvania State Reports, volumes 1 to 177 of the Pennsylvania Superior Court Reports, Atlantic Reporter 1st series to volume 111 of the Atlantic Reporter 2d series, and Pennsylvania District & County Reports 1st series to volume 1 of the second series. The Statute Edition contained the federal and state constitutions, statutory materials, and court rules similar to the more recent editions. This edition covered 1 to 380 Pa., 1 to 177 Pa. Super., and county court reports.


In 1994, Shepard's Pennsylvania Citations, sixth edition, was published. The Case Edition is broken down into seven parts or volumes, two more than the previous 1987 edition. Part 1 covers the early nominative reports from 1754 to 1845 and the Pennsylvania State Reports for volumes 1 to 255, while part 2 covers volumes 256 to 490. Part 3 covers volumes 491 to 534 of the State Reports, the five sets that comprise the Miscellaneous State Reports, and volumes 1 to 240 of the Pennsylvania Superior Court Reports. Part 4 covers volumes 241 to 430 of the Pennsylvania Superior Court Reports, followed by volumes 1 to 160 of the Pennsylvania Commonwealth Court Reports, and the Pennsylvania County Court Reports. Part 5 covers the Pennsylvania District Court Reports in its four series, followed by Atlantic Reporter, 1st series, and volumes 1 to 44 of the Atlantic Reporter 2d series. Part 6 and 7 continue Atlantic Reporter 2d series with volumes 45 to 380 and 381 to 637, respectively.


This new edition changes format with six columns to a page. Case names are now included for each of the courts, but begin with volume 110 of the Pennsylvania State Reports and volume 109 of the Pennsylvania Superior Court Reports. Shepard's therefore, omits several Supreme Court cases from volumes 108 and 109 of the State Reports that are reported in the Atlantic.
I am not sure why the complete set does not have the names listed for each case. Another major change, for the better, is the breaking down of the Constitution section into the 1874 and 1968 sections; this will assist researchers as state constitutional history becomes more important as defined in the Commonwealth v. Edmunds. (Ironically, the 1916 edition did distinguish citations among the various constitutions.) In addition, the court rules are now broken down at the top of the pages to easily identify which court rules section one is looking for.

Two important portions of the earlier edition are however missing in this new edition: the individual county reports or side reports and the home rule charter/ordinance section. Shepard's stopped citing to the individual county reports back in the early 1970s. The 1987 edition reflected this stoppage but at least included those citations in the Case Edition. Now, probably because of the long time period separating their publication and this new edition, the county reports are excluded. However, these county cases are still cited in West's digests for Pennsylvania down to 1976 and they are still cited by lawyers. Practitioners still "sheparding" these cases up to 1972, and if a District & County Report citation exists, it can still be "sheparded" under that cite. This leaves the researcher to check cases only by using LEXIS or WESTLAW.

By eliminating the home rule/ordinance section of the Statute Edition, researchers are limited in their ability to search home rule charters and local ordinances for case law on various topics. Secondary treatise sources for Pennsylvania municipal law are limited. The Pennsylvania edition is also available on LEXIS and WESTLAW or as a CD-ROM database. The latter is published biweekly with the Shepard's Pennsylvania Express Citations included on the disk.

Shepard's Pennsylvania Express Citations. Beginning in 1992, Shepard's began updating its Pennsylvania citator with twice monthly paperbound blue pamphlets. Besides updating the Case and Statute Editions, the service provides abstracts of cases providing treatment of the cited cases. This service is a separate subscription service from the regular supplementary pamphlets. The company has expanded this new service to many of its other citators as well.

Shepard's Atlantic Reporter Citations. The first edition of this publication occurred in 1915 with two supplementary volumes covering 1915-1934, and 1934-1943. A pamphlet update continued until 1957 when a second edition was published. This new edition covered Atlantic Reporter cases down to volume 124 Atlantic Reporter 2d series along with volumes 1 to 101 of the Pennsylvania Superior Court Reports. A third edition was published in 1986. This edition contained seven parts covering the Atlantic Reporter 1st and 2d series down to 498 A.2d. Two supplementary bound volumes brought citations down to 606 A.2d.

The new fourth edition of Shepard's Atlantic Reporter Citations (1994 date on spine of volumes) consists of eight books down to 634 A.2d. The set will be kept up to date with monthly advance sheets, and semi-annual pamphlets. The chief differences between Shepard's Pennsylvania Citations and Shepard's Atlantic Reporter Citations are that the former contain references to the county court reports such as District & County Reports, and the academic legal periodicals, while Shepard's Atlantic Reporter Citations only cites to the other regional reporters. The citator no longer even cites to the ABA Journal since it is not mentioned on the title page. The regional reporter citators are also available online through LEXIS and WESTLAW and in CD-ROM format.

Shepard's Pennsylvania Case Name Citator. The first edition of this publication contained cases listed by alphabetically either by plaintiff or defendant with their parallel citations decided from 1940 to 1984 in two volumes. A second edition, published in 1993, covered from 1910 to 1993 in three volumes. The county court cases are those cited in the county side reports down to 1971-72 and the Pennsylvania District & County Reports, all four series.

For Federal court cases, one should consult Shepard's Federal Citations which covers both the Federal Reporter and Federal Supplement. This work is also published in new editions every few years and updated with annual bound volumes, semi-annual gold paperback supplements and monthly red supplements. The supplements are divided into two parts, one for the Federal Reporter and one for the Federal Supplement.

For the United States Supreme Court, Shepard's United States Citations is in a new revision in 1994. Rather than have the three major court titles—U. S. Reports, L. Ed., and Supreme Court Reporter—divided in each volume by parallel citation as the company had done in its previous edition from 1943 to 1994, this new set now consists of a separate set for each title: U. S. Reports, volumes (1-1.10); L. Ed., volumes (2-2.10); Supreme Court Reporter, vols. (3-3.10); and volume 4 that provides parallel citations from the U.S. citation to L. Ed. and Supreme Court Reporter citations. To look up citations for one citation will now require looking in three different volumes for the three titles. The federal citators are all available in LEXIS and WESTLAW for online access and in a CD-ROM format.

C. Other Citators
The failure to continue the county court reports in the citators led this author to compile Pennsylvania Citation Tables: Parallel Citations Between the Pennsylvania County Court Reports and the District & County Reports (1985-). This is a list of parallel citations between each county report and D. & C. Report and vice versa. Since the county reports can still be "shepardized" as a D. & C. citation, the parallel tables provide the researcher with those citations. The Fiduciary Reporter has also had parallel tables compiled between the series and the D. & C. Reports as well.

West's Pennsylvania Law Finder. For those states that West Publishing Company produces their statutes, West publishes an annual Law Finder that provides an index to topics found in Purdon's Statutes, the digest system, Corpus Juris Secundum, Pennsylvania Law Encyclopedia, and some of its multi-volumes treatise sets.

In conclusion, case-finding tools have evolved, but are still relatively the same as more than one hundred years ago. These legal resource tools have had a long history that will continue as long as these products are made available to the legal profession. The delivery of services has changed with the addition of online and CD-ROM products making citators easier to use, but still needed by legal researchers even as we move into the twenty-first century.

BIBLIOGRAPHY OF CITATORS


NOTES

1. Law Librarian, Allegheny County Law Library, Pittsburgh, Pennsylvania.

2. For a general history of these works, see ERWIN C. SURREY, A HISTORY OF AMERICAN LAW PUBLISHING 182-183 (1990); for current accounts, see MORRIS L. COHEN, ROBERT C. BERRING AND KENT C. OLSON, HOW TO FIND THE LAW 54-142 (9th ed. 1989); J. MYRON JACOBSTEIN, ROY M. MERSKY AND DONALD J. DUNN, FUNDAMENTALS OF LEGAL RESEARCH 323-360 (6th ed., 1994).


7. Id. [iii].

8. Id. [4].

9. Id. [9].

10. Id.


12. Id.


14. Id. preface (v).

15. Id.

16. JAMES V. REID. REFERENCE INDEX OF PARALLEL CASES IN THE SUPREME COURT OF PENNSYLVANIA, EMBRACING THE SPACE OF TIME FROM 1ST DALLAS TO 23D CRUMRINE, INCLUSIVE. ALL CASES, OVERRULED, QUALIFIED, ETC., SO NOTED IN THE CASE. (Columbus, Ohio, Printed for the Author. Columbian Printing Company, 1891).
17. Id. preface.


21. The remaining part of the title was TOGETHER WITH REFERENCE INDEX OF DECISIONS ON BRITISH STATUTES AND THE CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA OF 1874. (Altoona, H. & W. H. Slep, 1898).


27. THE NATIONAL UNION CATALOG OF PRE-1956 IMPRINTS provides citation to a serial publication that stated in a note to be published three times a year.

28. SURRENY, supra note 1, at 182-183.

29. SHEPARD'S NATIONAL SYSTEM OF ADHESIVE ANNOTATIONS. PENNSYLVANIA SUPERIOR COURT DECISIONS (1901). The following Directions appear on the title page:

Annotate one Volume at a time. Each page of the annotations contains one Volume of Reports. The entire page can be pasted on the inside cover of its proper volume, or cut off, one column at a time, the rules for a guide, and moisten and paste the reference at the head or margin of the case referred to. The work can be done by any office boy, it being impossible to make a mistake, as the page is given in every instance where the reference is to go. Example--The large bold face type refers to paging of volume. The case on page 187 of volume 1 has been cited six times. It shows that paragraphs 2, 3, and 4 of the syllabus have been considered in subsequent cases on the questions of "What constitutes a record, cited in 1 Pa. Sup. 319. Practice, presumption of regularity cited in 2 id. 305, Foreign attachments, Rule to quash, affirmed in 13 id. 288, followed in 9 id. 414, 14 id. 255 and cited in 179 Pa. St. page 68."

-21-
30. Gregory Harris, former librarian at Shepard's/McGraw-Hill, kindly provided me with title pages of the different citators for Pennsylvania for which some of the following information is based upon. He also informed me that the paste citations can be found in the second edition of the two titles discussed. Telephone conversation with Gregory Harris (February 14, 1996).

31. Shepard's Citations of All Cases in the Pennsylvania State Reports preface (2d ed. 1902).

32. Shepard's Pennsylvania State Citations: A Compilation of Citations of All Cases Reported in the Pennsylvania State Reports (3rd ed. 1907). For a study of the various reports of the Supreme Court, see Fishman, Reports, supra note *.


34. Shepard's Pennsylvania Supreme Court Citations (Supplement 1916-1933, 1933).

35. Shepard's Pennsylvania Supreme Court Citations (Supplement 1933-1945, 1945).


37. Shepard's Pennsylvania Superior Court Citations A Compilation of Citations of All Cases Reported in the Pennsylvania Superior Court Reports (2d ed., September, 1907).

38. Shepard's Pennsylvania Superior Court and Lower Court Citations: A Compilation of Pennsylvania Superior Court Reports Pennsylvania County Court Reports Pennsylvania District Court Reports and Miscellaneous Local Inferior Court Reports (3rd ed. 1916).


42. Shepard's Pennsylvania Table of Cases (1925).


44. Appeal of Whelan et al., 108 Pa. 162 (decision on November 14, 1894) is the earliest case reported in 108 A., though it is not the first case listed in the Atlantic Reporter volume.


46. The company did not notify its subscribers when it sent in the new 1994 edition that two sections (individual county courts and the home rule charter/ordinance section) were not recompiled. Almost everyone automatically discarded their older set. Only some libraries have managed to maintain these volumes, i.e., part 4 of the Case Ed., and part 2 of the Statute Ed., plus the two-volume supplements for the home rule/ordinance sections down to 1993.


51. During the late 1970s and early 1980s, there were still frequent questions by library patrons concerning the need to provide parallel citations between the county reports and the District & County Reports. See Joel Fishman, "Shepard's Citations and a Parallel Citation Index between the Pittsburgh Legal Journal and the District and County Reports: 1971-1979," 127 PITTS. LEGAL J. 12+ (10p.) (November 1980); Id., "Shepard's Citations and a Parallel Citation Index between the Pittsburgh Legal Journal and the District and County Reports: 1980 Update," 128 PITTS. LEGAL J. 10-11 (July 1981).


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