Fall may have fallen but the memories from the 2019 annual meeting in DC are still fresh. I hope you had the opportunity to connect with your fellow LHRB members and take in the excellent programming. LHRB had some wonderful sessions as you’ll read in these pages. I was fortunate enough to be able to attend Creating an Oral History Program: Capturing the History and Building Connections and part of the Archives Roundtable. I heard great things about the Host City Roundtable Capital Lawyers: The Supreme Court Bar in the Nation’s History. Thank you to everyone who helped provide the recaps to those programs so all of that knowledge can be shared amongst our membership.

You may have noticed that a certain program wasn’t included with the annual meeting offerings. For the first time this year we’re going to have the Morris Cohen Essay Competition as a webinar. Our hope is to allow more people to view the presentation, either live or by recording, and to build a library of Cohen presentations. I hope you’ll be able to join the webinar on
November 1 when winner, Jake C. Richards, will present his paper “Abolition as a sovereign project: the Auditoria Geral da Marinha, legal geography, and the testimony of slaves in ending the illegal slave trade to Brazil, 1850-1856.” Thank you to everyone who served on the Cohen Committee this year.

At our Business Meeting, I raised the question of whether or not the membership would prefer to have the Business Meeting conducted via webinar. Other SISs have moved in that direction. Reaction was mixed. I intend to send out a poll to gather more information about what will be preferable for next year’s annual meeting in New Orleans. Some of the thoughts were that, without the in-person Business Meeting, LHRB members would miss out on the opportunity to connect with each other.

Speaking of connecting, thank you to everyone who attended the LHRB reception—generously sponsored by Hein—at Penn Commons. I had an absolute blast catching up with people and I hope that all the attendees can say the same.

I’m really looking forward to the next year. One of my goals as Chair is to try to create more opportunities for LHRB members to connect outside of the annual meeting. If you have any ideas of how you would like to see that happens, please reach out to let me know.

Before I wrap this up, I’d like to give a very special thank you to everyone who has given their time to LHRB. All of your work is greatly appreciated. If you are interested in getting more involved in LHRB, please let me know. Here’s to the start of another great year!

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This newsletter’s table of contents reveals all—I went to the AALL annual meeting this year in Washington, DC, and had a grand time running into people undertaking various legal history projects. Thanks to everyone for being game on contributing to the newsletter, from the programs at the annual meeting to undertakings around the country. I really enjoy getting the word out on all the great legal history work by my fellow law librarians.

I also want to give a shout out to outgoing and incoming editors. After many years as our steadfast acquisitions editor, Linda Tesar has moved on to become vice chair/chair elect of LHRB. Melissa Hyland has kindly stepped up to take her place. And this will be the farewell member news column for long serving Mike Widener, who has already secured a successor in Kaylan Ellis. Many thanks to Linda and Mike and welcome Melissa and Kaylan in your new roles!

Before I close, let me mention one podcast that has caught my ears of late—Ben Franklin’s World, from the Omohundro Institute at William & Mary. A recent episode focused on the Bill of Rights specifically and featured Jessie Kratz, National Archives historian, and Professor Mary Sarah Bilder of Boston College.

Thanks again to the editors and contributors! For more interesting pieces involving legal history, please check out LHRB’s Twitter account (now with 292 followers!): https://twitter.com/lhrbsis.

I welcome any comments or feedback on the newsletter: kcristobal@law.utexas.edu.
Creating an Oral History Program: Capturing History and Building Connections, Monday, July 15

This timely and interesting program discussed the establishment of an oral history program. The program was coordinated and moderated by Liz Hilkin (University of Texas Tarlton Law Library) and featured presentations by Joe Noel (University of Texas Tarlton Law Library), Jane O’Connell (University of Florida Levin College of Law), Kenneth Durr (History Associates), and Gail Warren (Virginia State Law Library).

The program began with the definition of an oral history, which provided the context for all the presentations. The definition was that oral histories are “disciplined conversations between two people that are intentionally recorded for the record. These are stories that people tell about their past, and they give us insight into events and thoughts as well as personal experience.” The program then proceeded with the speakers discussing various parameters of conducting oral histories.

Design
The first section discussed the design of an oral history program—how do you choose the subjects and what are you looking to achieve with the interviews? The speakers stressed that you need to set your parameters and have a clear understanding of who to interview and what topics to cover. Gail Warren said that at the Virginia State Law Library they want to document the history of the two state appellate courts, and the broader legal history of Virginia. Kenneth Durr stated that for his SEC oral history program, he wanted a broad perspective—not so much about information but rather the insights of the interviewee. Joe Noel said that Tarlton’s program was to document the impact of the law school on the legal landscape of Texas, while also documenting the history of the Law School and to honor alumni. Jane O’Connell said that oral histories provide context to events in institution’s history and add to the documentation held in the archives.

Preparation and Conducting Interviews
The point of the interview is to get the individual to tell their story, so the speakers stressed preparation for the sessions. Joe Noel said he prepares by researching resumes, newspaper articles, and developing canned questions—he wants to hear how the interviewee views him/herself. Ken Durr reminded us that it is an honor to interview people, but to remember the challenges. The challenge with people who have been interviewed a lot to keep them focused. However, it is a greater challenge to prepare for less well-known people. Gail Warren noted that judges are generally not on the record except for their opinions, so it is key to put people at ease when conducting an interview. She recommended to not script the interview or give them the questions in advance, but to make the individual as comfortable as possible. The goal is to have a conversation that will discuss the changes over time.
Sound Advice/Formats
The format of oral histories has changed—Professor Allan Nevins first developed the modern concept of oral histories in the early 20th century. He edited himself out of the transcription, but now the standard is to include the interviewer. The modern principle is to get the very best historical record possible. The presenters felt that a transcription of the interview is necessary. You get the benefit of two edits—yours and then the interviewee. It gives the interviewee the opportunity to redact anything they feel uncomfortable about, but a verbatim transcription is not necessary. The speakers stressed that you do not want to give the interviewee the opportunity to edit the history presented in the transcription.

Benefits of Oral Histories
Everyone spoke of the value of oral histories—they enhance our understanding of the past by illuminating personal experiences. Gail Warren said that it benefits the public and the media by documenting history before individuals pass away, and it increases the visibility of the law library within the organization. Ken Durr said that people want to be interviewed, and Joe Noel added that it directly connects the institution with important and prominent people—it communicates that the person’s life is important and you want to hear about it. Jane O’Connell stated that the University of Florida has a longstanding oral history program and it gives the law school a connection to other people and departments on campus.

So how do you obtain buy-in from your administration? Jane O’Connell pointed out that it will bring alumni into the process because you can choose whom you want to interview. People will talk about enjoyable and important times of his or her life. Ken Durr said to take it seriously and do it right, while Gail Warren said to identify your goal and mission, and determine your resources. Consider hiring a professional to do the transcription.

The last question you should always ask in an interview should be “Is there anything we have not touched on or talked about?” This question is a good way to wrap up an interview. Most interviews should go no longer than 90 minutes to 2 hours.

The program was an excellent discussion of oral history programs for institutions that either have an oral history program or are thinking of starting a program.

Michael Maben
Jerome Hall Law Library
Indiana University, Bloomington

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Article III of the United States Constitution provides that “[t]he judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.” However, it makes no mention of how the Supreme Court would operate. In this excellent program, Kurt Metzmeier discussed the historical development of the Supreme Court and the Supreme Court Bar.

The first members of the United States Supreme Court Bar were Thomas Hartley, Richard Harrison, and Elias Boudinot, admitted on February 5, 1790. No one moved for the admission of these gentleman—there was not yet any procedure for doing so—but they were known to the Justices of the Court. It was later that the practice was established of admitting lawyers to the bar upon the motion of those already admitted.

There was, of course, relatively little for the Supreme Court to do in its early years; the lower Federal courts needed to be established first. John Jay, woefully underworked as Chief Justice, traveled to Europe where he negotiated a treaty with Great Britain. Jay left the bench in 1795 to become Governor of New York.

In 1800 the seat of government was moved from Philadelphia to the newly established city of Washington, D.C. There the Court was allotted space in the Capitol building. The Supreme Court was originally housed in the subbasement of the old north wing of the Capitol, specifically rooms S146 and S146A. Entirely inadequate for this purpose, the chamber was lit by candlelight and initially lacked even a bench. By 1810 the Supreme Court would have much-improved quarters located under the Senate chamber. The Court would remain there until 1860.

In 1801, John Marshall was confirmed as Chief Justice of the United States. It was Marshall who would transform the Court into a co-equal branch of government.

The early Supreme Court bar was an eclectic mix. It included James Monroe, Alexander Dallas, Luther Martin, William Paterson, Robert Morris and Edward Livingston. Many of these men were Federalists who no longer had a place in the government with the decline of their political party. However, over time members of the United States Senate would largely take over the Supreme Court Bar.

Oral argument was the primary method of practice in the Court’s early days. Originally oral argument was nearly unlimited. In 1812, oral argument was restricted to two lawyers per side. In 1833 the Court began requesting written briefs, something that became required in 1849. In that year oral argument was limited to two hours per lawyer, a total of eight hours per side. Lawyers would sometimes have their oral arguments privately printed; summaries of oral arguments were also included in early reporters.

Attorney William Pickney primarily directed his oral arguments to the ladies in the Court’s galleries, while Kentuckian Henry Clay was known to pause during his arguments to take snuff. It was Daniel Webster who concentrated on legal points. He
argued several important cases before the Court, including *Trustees of Dartmouth College v. Woodward*, *McCulloch v. Maryland*, and *Gibbons v. Ogden*.

One of the great workhorses before the Court during this period was George M. Bibb. He argued at least 45 cases before the Court, making his last argument when he was 80 years old. In 1850 he was hired by Attorney General John J. Crittenden to argue U.S. cases before the Supreme Court, an early effort to establish a Solicitor General position.

In 1860 the Court moved to the Old Senate Chamber in the Capitol. The Court’s old chamber was used to house the Court’s law library. By that time oral argument before the Court had become less important. In 1871, oral argument was limited to two hours per side. By the 1920s it was reduced to 30 minutes per side in summary cases, one hour per side in all other cases. In the 1970s, the maximum time for oral argument was set at the current 30 minutes per side.

Following the American Civil War, John S. Rock became the first black lawyer to be admitted to the Bar of the Supreme Court. However, Samuel Lowery might have been the first black lawyer to argue a case before the Supreme Court—it is unclear from the arguments. Lowery was sponsored to the Supreme Court Bar by Belva Ann Lockwood, the first woman admitted to the Supreme Court Bar.

In 1870 the Office of the Solicitor General was established. Benjamin Bristow was the first Solicitor General.

In 1935 the Supreme Court finally got its own building, which included individual chambers for the justices and an excellent law library. The era brought with it a new professionalism, with premier lawyers such as Louis Brandis making arguments before the Court. District of Columbia lawyers gradually replaced the Senators who had been the leading advocates before the Court for many years. Among the last of the Senate advocates was John W. Davis, who argued 140 cases before the Court. In his last case before the Court he unsuccessfully defended the "separate but equal" doctrine in *Briggs v. Elliott*, a companion case to *Brown v. Board of Education*. The winning lawyer in that case was Thurgood Marshall.

Since that time the Supreme Court Bar has gone viral. Lawyers such as Amy Howe are regularly featured on television and the internet.

Kurt Metzmeier did an excellent job putting this program together. He is Acting Director of the Law Library at the University of Louisville Brandeis School of Law. He has authored or co-authored numerous articles and several books including *Writing the Legal Record: Law Reporters in Nineteenth-Century Kentucky* (2016).

Host City programs are offered at each Annual Meeting of AALL, sponsored by the Legal History and Rare Books Special Interest Section.

Mark Podvia  
University Librarian  
Head of Faculty Services, Curator of Rare Books and Archivist  
West Virginia University College of Law Library
This year we were fortunate that our own Carole Prietto, Law Center Archivist at Georgetown University Law Library, was able to share a presentation on functional analysis she gave at the Society of American Archivists (SAA) in 2018. Functional analysis is “a technique that sets priorities for appraising and processing materials of an office based on the relative importance of the functions the office performs in an organization.” It’s a great way to process large collections when original order cannot be determined and there is no real documentation.

Georgetown Law Center was founded in 1870 and has moved 5 times. Their archives, however, were not established until 1995. When Carole started in 2016, the archives were quite a mess—some unprocessed, some misprocessed, and some mislabeled, with no documentation or explanation in sight. With no real way to separate what was what, she had to address several things all at once. Carole did what any good archivist would in this situation: she turned to Helen Samuels’s classic work *Varsity Letters: Documenting Modern Colleges and Universities* (ISBN: 978-081083489). It is a functional study of colleges and universities and provides the means to achieve a comprehensive understanding of an institution and its documentation.

While her archives were 11 years old, the process Carole had to go through to get it organized is similar to what one would do when starting a new institutional archives. She had to conduct a survey to determine their archival holdings. Collections that had been processed (I used that word loosely) were taken apart, reassessed, and reprocessed. Mislabeled items had to be identified. Record groups were then determined based on how the law center is organized.

Carole processed the law center archives using MPLP: more product, less process. This minimal processing approach has been implemented successfully in many institutions. The idea is that the archivist does a minimal amount of processing in order to clear the backlog and to make collections available to users at a basic level. This typically means records are described at the box/folder level, and not item level. Another time-saving part of MPLP is the idea that modern climate control system work so well that it isn’t necessary to remove staples or other fasteners that have, in the

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past, rusted and caused damage. This makes the material accessible for researchers sooner.

Carole documented every decision made in the (re)organization process. This is incredibly important: documenting what steps were taken during the processing, what items were weeded and why, and what has been separated out and why, are all institutional notes that future archives staff will need.

Carole spoke about working with a content management system as well as the other technology she employs. Her archives includes born digital items and she uses different software to normalize file names: Better file rename, and A.F.5 rename your files. As someone who has a lot of digital photos with generic IMG and DSC filenames, I am looking forward to trying these programs out.

I would like to thank Carole for presenting at the roundtable. I think I speak for everyone when I say it was an engaging talk filled with the kind of practical tips one can only get while working in the trenches. We hope to see everyone in next July in New Orleans! ■
Background
The Ruth Lilly Law Library holds one of the most complete sets of the official Indiana Code in print, and we often receive research requests for sections of the historical Code from attorneys and other researchers. The print collection is far more complete than anything available online and is freely available for anyone to use, but this generally requires a trip to the library. Currently, there is no free online public access to the Indiana Code predating 2009,† and paid access offers no codes between 1921 and 1990.‡ We have set out to change this.

Getting Started
In the spring of 2019, we met with librarians from the Center for Digital Scholarship at our campus’s University Library. With their help, we accomplished the scanning of a single “title” of the Indiana Code from 1971 through 2000 as a pilot project to assess feasibility and interest. We chose Title 35, Criminal Law and Procedure, since it is one for which we receive many requests. We chose to start with 1971 because it was then that the current organization and numbering scheme was first implemented, marking a sea change in the Code’s history. We stopped at 2000 because we were anticipating getting (and have now received) already-existing PDFs for 2001 to the present from the Indiana Legislative Services Agency (LSA).

We also decided to experiment first with CONTENTdm as the platform for hosting and public access because University Library already pays for CONTENTdm. We agreed to use University Library’s student employees to do the scanning, and, fortunately, we have been able to arrange to pay the students’ wages out of our student employee budget even though the work is being done at a different campus unit.

To address copyright issues, we reached out to the LSA and Thomson Reuters. The LSA responded enthusiastically because the Indiana government has no plans to digitize anything prior to 2001. The LSA gave us the necessary permissions to provide free access to the Code. Thomson Reuters, which printed the Code on behalf of the state from 1976 to 2001, has granted permission for us to use section headings, tables, and indexes in which it claims copyright.

† The Indiana General Assembly website has 2009-current available. It is our understanding that they have no plan to expand this coverage backward.
‡ A subscription to historical state statutory codes is available from HeinOnline and includes most of Indiana’s published codes prior to 1921. Westlaw has 1990 to date, and LexisNexis offers 1991 to date.
Current status
The pilot collection was well received by local firm librarians and others, and we have been largely pleased with the functioning of CONTENTdm (that it is not costing us anything weighs heavily in its favor). CONTENTdm can deal with the number of scans involved. Navigation requires a fair number of clicks, but retrieval of a particular section is relatively easy. The uncorrected OCR is searchable and successfully leads the user to relevant pages. While images are hosted on OCLC’s CONTENTdm server, copies are also kept, at least temporarily, on the University Library’s local server and, more permanently, in the university’s Scholarly Data Archive.

At this point, we are moving ahead with scanning of all titles, starting again with 1971. Scanning is being done with the same arrangements as before. Processing of the scans in preparation for upload and the uploading itself is being done by Anna Proctor, the digitization coordinator at the University Library Center for Digital Scholarship. Each page image is labeled in accordance with the Indiana Code’s hierarchical organizing scheme of Title-Article-Chapter-Section. With this labeling, a researcher with a typical citation will be able to retrieve the appropriate section.

We hope to have a public-facing interface soon, but there are several issues that need to be resolved first. One is simply generating enough content. Another is how and where to place a warning/caveat that the material in the collection is historical and should not be used as current law. Placing this caveat on the actual images has proved impossible, so we will likely be adding it to the collection’s webpage instead.

Future
We would eventually like to expand this project back to the years prior to 1971. Progress towards this goal be slow as we will face new copyright issues. Prior to 1971, the Indiana Code went through several private publishers. These eventually culminated in Bobbs-Merrill, which has since been purchased by LexisNexis. LexisNexis likely has copyright claims on at least some parts of the Code for some years, but copyright will have to be investigated for anything post-1924 to be sure.

We are also seeking funding to outsource the scanning to a commercial vendor. Using student workers, even the portion of the project running from 1971 to the present will likely take several years. The expansion back in time will add even more years. Using a vendor for scanning would allow this project to be completed in less time. Processing of the scans would still be done in-house, but the work could be done by several people and, thanks to batching tools, takes less time than scanning. The Central Indiana Community Foundation has a specific fund for libraries, so please keep your fingers crossed for us! If you want to view and explore the collection go to http://ulib.iupuidigital.org/cdm/landingpage/collection/IC.

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8 We are deeply grateful to Anna Proctor for all the work she has put into this project, especially in light of unique nature of statutory codes and the size and tedium of the collection. None of this would have been possible without her patience and diligence. Thanks also to Andy Smith and Richard Wing of IUPUI University Library for their technical support behind the scenes, and the students doing the scanning: Mason Runkel, Jordan Kalt, and Dennis Kipkoech Kipkoech.
At this year’s AALL Annual Meeting, I presented a poster session entitled “Creating a Treasure Map for Special Collections” and provided a handout with tips for newer librarians. My goal was to share what we have learned so far creating a list of items in special collections across three locations at Rutgers (the two law school locations in Newark and Camden and the main university archives in New Brunswick). I started this project in Spring 2019 after searching our historical collection repeatedly for materials related to Ruth Bader Ginsburg and Elizabeth Warren. We have been seeing an increase in requests like these and we manually search our locations and contact university archives in every instance. I remembered a program at AALL in 2015 about being an accidental archivist and I knew that there was a way to make sense of our collection and save time for everyone involved.

To reach our goal of identifying the historical items on a larger scale, I reached out to different departments at the law school and university. I spoke with the Dean's office, communications office, student affairs, our other law library location, the main university library, and university archives. Even though we only had a rough draft of the list by summer, I had learned valuable lessons along I wanted to share with others at the conference.

My lessons came from information about our library's past efforts for special collections, conversations with other departments, and research for materials that could help me along the way. We lost information on a dead computer, so safeguarding the information by sharing our list in a networked environment became an important outcome for me. In communicating with other departments, I found that they had their own needs which included requests to house documents or to allow them to be the point of contact for reporters that might call the library. There were also questions that could lead to future projects, ex. upcoming special anniversaries for programs requiring information and/or photos in our possession.

As I put my poster together I tried to add in tips from other libraries that had recently improved their own special collections. One of my favorites was to create a Flickr account to share with alumni to tag unidentified faculty/deans from photo collections. In talking with others during the poster session, we discussed the value and ways of leveraging department heads with over 40 years of institutional knowledge at our school who could provide institutional memory for certain projects.
During the presentation period on Tuesday, July 17th, I received other interesting questions and comments that are helping me to think deeper about my project. One person asked about whether this project has increased the use of our special collections. Our project is to create an internal document but I believe that it may end up increasing the use of our collection because it will be easier to navigate. We will respond faster to requests from communications/alumni relations and could get more requests as a result and having a better understanding of our collection could lead to creating more historical displays, blog posts and other social media posts.

There were several comments from law librarians at libraries either without an archivist and or who had a new archivist who needed to understand a law collection or understand how to manage their own collections. I enjoyed talking to them and encouraging them to just get started. Our project is at the very beginning stages and my advice to those who are deciding what they should do is to start where they are and get a sense of their collection and the items that overlap with other offices with historical items at their school/university. There will always be more projects to do and having a better understanding of the opportunities and connections at your school will help as the projects continue.
At 6 A.M. on Thursday, October 4, 2018, after attending an international law librarian conference in Luxembourg, Germany, to visit the former Nazi Party rally grounds and Palace of Justice’s courtroom 600. My interests in legal history and international criminal law compelled me to go before flying back to New Orleans 48 hours later. Non-Nazi Leni Riefenstahl memorialized the 1934 rally in her still-controversial documentary film *Triumph of the Will*, while the 1935 rally proclaimed the anti-Jewish *Nuremberg Race Laws*. And the landmark Nuremberg trials (13 total) took place in courtroom 600 from 1945 to 1949.

Upon arriving in Nuremberg I first visited the rally grounds, which are a few miles southeast of the Palace of Justice (both are easily and cheaply accessible via *subways* and *trans* near the centrally located *main railway station*). A permanent indoor documentation center (rather than museum to avoid the appearance of glorification) on-site detailing the rise and fall of the Nazis is worth visiting first.

It took me 10 minutes to walk from the documentation center to the main outdoor attraction: zeppelin field (100,000-person capacity plus 80,000 more on surrounding stands) and grandstand (400 yards long). The iconic grandstand designed by Albert Speer (a Nuremberg first trial defendant) no longer looks grand as it did in the late 1930s. For economic and political reasons, its Nazi-era look and condition have changed. Gone is the massive gilded swastika crowning the mid-section (*famously dynamited* by U.S. troops in April 1945), as well as the ancient Greek-inspired rear colonnades and Olympic-style flame cauldrons at both ends. The mid-section with Hitler’s rostrum, however, remains mostly unchanged. Visitors may go up onto the rostrum, and I did. But it felt somewhat eerie, so I stepped down after 30 seconds. In addition to being a tourist site, the field and grandstand host rock concerts (past acts include *Bob Dylan* and the *Rolling Stones*), car races, and public recreation. During my visit, I saw a woman jogging up and down the decaying stone stairs.

In November 1945, just five months after World War II ended in Europe, modern international criminal law started in Nuremberg with an 11-month-long public military trial held by France, Great Britain, the Soviet Union, and the U.S. of *22 top Nazi officials* (including lawyers Hans Frank, Ernst Kaltenbrunner, and Arthur Seyss-Inquart) for crimes against peace, war crimes, crimes against humanity (including genocide), and conspiracy to commit these crimes. A permanent museum above courtroom 600 has more details and context, as well as observation windows into the courtroom, and is worth visiting before entering the courtroom itself, which remains a working courtroom.
Court is usually in session Tuesday through Thursday. As a result, courtroom 600 is usually only open to visitors Friday through Monday. I researched this beforehand and made sure to visit on a Friday morning. After touring the museum, I walked to the courtroom, went inside, sat quietly, and reflected on the trials. Although it looks somewhat different than it did in the late 1940s, the courtroom is mostly recognizable but smaller than expected. Regardless, this courtroom is where today's global project derived to hold perpetrators—including sitting heads of state—legally accountable for committing the worst crimes. This is where Chief U.S. Nuremberg Prosecutor (and Associate Supreme Court Justice) Robert H. Jackson movingly said, “That four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason.”

I highly recommend visiting both sites. Next year marks the 75th anniversary of the start of the trials and should be an auspicious time to visit. Before visiting, consult the following helpful resources:

- Documentation Center Nazi Party Rally Grounds – official website for visitors
- International Nuremberg Principles Academy – German government foundation dedicated to promoting international criminal law and human rights; housed at the Palace of Justice
- Judgment at Nuremberg – Oscar-winning, star-studded 1961 Hollywood drama, parts of which were filmed on location (outdoor scenes only, including rally grounds)
- Memoriam Nuremberg Trials – official website for visitors

Courtroom 600: defendant area on the left, table where judges sat on the right
An Interview with Stephen Wasserstein, Gale Cengage
Kasia Solon Cristobal

At the AALL Annual Meeting this year, I learned from Stephen Wasserstein that Gale will have new databases soon of federal appellate courts documents: LANDMARK RECORDS AND BRIEFS of the U.S. Courts of Appeal, 1950 – 1980 (MOML 11) (Publication date: March 2020) and LANDMARK RECORDS AND BRIEFS of the U.S. Courts of Appeal, 1891 – 1950 (MOML 12) (Publication date: March 2021). He kindly agreed to answer some questions.

KSC: Could you talk about the different factors your company weighed in making these databases the next project? Is it responding to customer demand? Looking at what’s most feasible logistically? What documents are most in danger of disappearing if not digitized?

SW: We have been interested in the briefs of the appellate courts since we first published U.S. Supreme Court Records and Briefs, 1832-1978, in 2004. Many libraries have not held on to these documents – and so they are very much in danger of disappearing. We know that customers are interested in this kind of core material – in digital form. The challenge is to shape a product of reasonable size – which is why we decided on a “landmark” collection. Our goal has been to prioritize the most important, most often-cited cases.

According to a recent book, A Union List of Appellate Court Records and Briefs: Federal and State, historical briefs are not available from competing publishers. (Lexis coverage of U.S. Courts of Appeals briefs begins in 2000; Westlaw coverage does not begin prior to 1990 for any circuit.) Gale’s strength has been to publish historical materials.

KSC: What kind of materials does this latest legal history database encompass?

SW: This is the first of two modules that capture records and briefs of the appellate courts of the United States. We will present roughly one hundred years of legal records to c. 1980. The first module will span 1950-1980, coming out in March 2020; the second will be 1891-1950 coming out in March 2021.

Although U.S. Supreme Court Records and Briefs (SCRB) are essential for legal doctrine, generally they do not include the record of the lower courts. The Landmark Records and Briefs modules will be a national collection that includes all circuits. Two cases of interest – among many, many others:

United States v. Rosenberg et al.
Espionage trial during McCarthy Era
195 F.2d 583 (2d Cir. 1952)
US Court of Appeals for the Second Circuit - 195 F.2d 583 (2d Cir. 1952)
Argued January 10, 1952
Decided February 25, 1952
Rehearing Denied in No. 22201 April 8, 1952

On January 31, 1951, the grand jury indicted Julius and Ethel Rosenberg, David Greenglass, Anatoli Yakolev and Morton Sobell for conspiring between 1944 and 1950 to violate 50 U.S.C. § 321 by combining to communicate to the Union of Soviet Socialist Republics documents, writings, sketches, notes and information relating to the national defense of the United States, with intent and reason to believe that they would be used to the advantage of the Soviet Union.

*John Winston Ono Lennon v. Immigration and Naturalization Services*
527 F.2d 187; 32 A.L.R.Fed. 521
No. 18, Docket 74--2189.
U.S. Court of Appeals, Second Circuit.

Case concerns effort of the Immigration and Naturalization Service to deport John Lennon, an internationally known artist, from the United States on the grounds that he is ineligible for permanent residence because he was convicted of simple possession of cannabis resin in London in November 1968.

**KSC: How do you identify the documents to digitize and what is the chronology and working relationship like with the institutions that hold them?**

**SW:** The cases in Landmark Records and Briefs of the U.S. Courts of Appeals, 1950-1980 (“MOML11”) were selected based on studies of the most-cited cases in each United States Court of Appeals. The selector of the case lists is Fred Shapiro, Associate Director for Collections and Access and Lecturer in Legal Research at Yale Law School. The citation data used by Mr. Shapiro are derived from the HeinOnline/Fastcase module. Using an innovative methodology that he developed, which involves searching the several dozen most common words in English, Mr. Shapiro was able to generate lists of the cases in each Court of Appeals that have been most often cited by law review articles. We understand that citations in articles are more meaningful than citations in other cases, because cases most cited by other cases tend to reflect "boilerplate" cites on procedural points rather than cites on substantive issues. In addition, Mr. Shapiro has supplemented the lists of most-cited cases with some additional cases that are not cited quite as frequently but that are clearly landmark cases of great doctrinal or historical importance. This method has been applied consistently except for variation in how deep the list goes for the different circuits, and except for adding in some less-cited cases that we recognize to be landmark cases historically.

We are working with the Library of the Bar of the City of New York, which holds extensive microfilm for the 3d, 4th, 6th, and 9th circuits. From Yale Law Library we have access to the 2d Circuit. We are also working with the University of Iowa, which holds a print collection – originally sourced from Georgetown University – for the DC Circuit. Iowa is also providing briefs of the 8th circuit. We’re working directly with NARA (National Archives Record Administration) for selective briefs for the 1st, 5th, 7th, and 10th circuits.
FROM THE DANIEL R. COQUILLETTE RARE BOOK ROOM, BOSTON COLLEGE LAW LIBRARY:

“Dictionaries and the Law”

Using past donations from BC Law Professor Daniel R. Coquillette, three books on generous loan from the library of Karolyne and Bryan A. Garner, and new acquisitions, this exhibit explores the role of dictionaries in the world of legal literature.

The first English language dictionary was a law dictionary (Rastell's *Termes de la Ley*). The second, Cowell’s *Interpreter*, caused a massive political controversy and was suppressed by James I.

Giles Jacob’s *New Law Dictionary* came in the 18th century, first published in London in 1729. It was the first law dictionary published in the US, almost three decades before John Bouvier wrote the first American law dictionary.

Our current standard, *Black's Law Dictionary*, entered the scene in 1891 and remains a staple of modern legal literature, with Bryan Garner at the helm as editor-in-chief. It’s the most widely cited law book in the world and has been cited over 330 times by the Supreme Court.

To view images of some favorites and a PDF of the exhibit catalog, please visit the exhibit webpage at: [https://www.bc.edu/content/bc-web/schools/law/sites/current-students/library/special-collections/rare-book-room/exhibits/dictionaries.html](https://www.bc.edu/content/bc-web/schools/law/sites/current-students/library/special-collections/rare-book-room/exhibits/dictionaries.html).

The exhibit was curated by Laurel Davis and remains on view into January 2020. The Daniel R. Coquillette Rare Book Room is open to visitors on weekdays, 9am - 5pm.

FROM THE JACOB BURNS LAW LIBRARY, GEORGE WASHINGTON UNIVERSITY:

“The Duel in History: Laws, ‘Codes,’ and Censure”

On display for the 2019 fall semester is a baker’s dozen of rare books from the Law Library’s extensive and growing collection of works on the legal history of dueling. The selections, which include works from the sixteenth through nineteenth centuries, shed light on the duel’s evolution from a legal means of deciding disputes between two people – the judicial duel – to the duel of honor, an extrajudicial means of settling private matters unregulated by the law: matters of honor and insult.
Dueling was deep-rooted in both European and American culture, and withstood a centuries-long assault by legal and ecclesiastical authorities until its final fadeout near the end of the nineteenth century. The works on display include an early Italian dueling “manual” (1583), a collection of French anti-dueling laws (1689), a 1674 printing of the decrees of the Council of Trent (which prescribed excommunication for duelists, accomplices, and spectators), and the story of a duel called off after the chosen “cowardly” armor was disputed (1560).

Classic jurists opined on dueling, its legality, and control; works by Blackstone, Beccaria, and Grotius are on display. American works include an 1806 anti-dueling sermon published after Alexander Hamilton’s death, and the 1858 Code of Honor authored by South Carolina’s governor.

The accompanying photo of the exhibition shows two American swords, one of Civil War vintage, and the other a 1930s ceremonial sword. Both are on loan from generous members of the Law School staff.

The Duel in History runs through January 2020. At that time, the exhibition will move to our Online Exhibits page at https://law.gwu.libguides.com/exhibits?group_id=14689.

For information about The Duel in History, please contact Jennie Meade at jmeade@law.gwu.edu.
FROM THE HARVARD LAW SCHOOL LIBRARY:

“Queering the Collection: LGBTQ+ History ca. 1600-1970”

Many library collections contain rich stories of individuals across centuries who transgressed sexual and gender norms, as well as documentation of the people and systems against which they transgressed. These historical artifacts can help shape new narratives around queer history and identity, as well as enrich old ones.

Coded language and oblique references may pose challenges to researchers, but there is a wealth of material to find on queer people throughout history. Each case in the exhibit highlights a different approach to researching queer history: using known figures, embracing uncomfortable terms, being open to the unexpected, and using secondary sources.

The exhibit explores many fascinating stories, though this research barely scratches the surface. We encourage researchers to continue the exploration and hope this exhibit will give you some tools to get started.

The exhibit was curated by A.J. Blechner, Anna Martin, and Mary Person and will be on view daily, 9-5, in Harvard Law School Library’s Caspersen Room through February 14, 2020.

Highlights from the exhibit are available online here: www.bit.ly/hlslqtc.
FROM THE UNIVERSITY OF CHICAGO D’ANGELO LAW LIBRARY:

“United States Supreme Court: Portraits and Autographs”

The D’Angelo Law Library’s new online exhibit, United States Supreme Court: Portraits and Autographs, features highlights of the collection of portraits and manuscripts donated by the late alumnus Louis Silver to the Library.


Ms. Shelly has added background information about the justices and their correspondents, and about the portraits and manuscripts themselves, along with transcripts of handwritten letters.

For more information about the exhibit, please visit: https://www.lib.uchicago.edu/collex/exhibits/united-states-supreme-court-portraits-and-autographs/.

FROM THE MARX LAW LIBRARY, UNIVERSITY OF CINCINNATI:

“Hamilton Is Here! His Papers, Not the Play”

Marx Law Library celebrated Constitution Week with a lecture and a well-received exhibition titled “Hamilton Is Here! His Papers, Not the Play.” The exhibit was on display at the College of Law on September 17, 2019.

Many of the noteworthy items on display were original first editions of key works in American legal and constitutional history.

One highlight of the exhibit was a first edition of one of the key works in the history of the United States, The Federalist Papers. Published in 1788 in two volumes, it is a collection of 85 articles and essays written by Alexander Hamilton, James Madison, and John Jay under the pseudonym “Publius.” The collection of essays intended to promote the ratification of the United States Constitution. It was commonly known as The Federalist until the name The Federalist Papers emerged in the 20th century.

Another notable item on display was one the earliest books printed in Cincinnati, Laws of the Northwest Territory. Published by the press of Carpenter & Findlay, Printers to the Territory, it dates back to 1800.
Two centuries ago Queen Caroline of England was put on trial for adultery by her husband George IV, provoking an unprecedented media frenzy. Two Yale libraries, the Lewis Walpole Library and the Lillian Goldman Law Library, are marking the bicentennial of the trial with a joint exhibition, “Trial by Media: The Queen Caroline Affair.”

The colorful exhibition is on display September 9 through December 19 in the Yale Law School. It is co-curated by Cynthia Roman, Curator of Prints, Drawings, and Paintings at the Walpole, and Mike Widener, Rare Book Librarian at the Law Library.

Drawing on the Lewis Walpole Library’s strengths in graphic satire and the Law Library’s collections of trial accounts and illustrated legal texts, “Trial by Media” examines the role of print media in documenting the Queen Caroline affair and shaping public perceptions. The items range from mocking caricatures to political screeds and sober, journalistic accounts. Today these sources serve as a lens for studying gender roles, class divisions, publishing, political satire, and British politics.

In connection with the exhibition, there will be a mini-conference the afternoon of October 4 in the Yale Law School, with panels focusing on the legal and media aspects of Queen Caroline’s trial. An online version of the exhibition is under preparation.

“Trial by Media: The Queen Caroline Affair” is on display in the Rare Book Exhibition Gallery of the Lillian Goldman Law Library, located on Level L2 of the Yale Law School (127 Wall Street, New Haven CT). The exhibition is open to the general public 10am-6pm daily, and open to Yale affiliates until 10pm.
Recent Acquisitions

Melissa M. Hyland

New Acquisitions in Special Collections, Jacob Burns Law Library, The George Washington University, by Jennie C. Meade, Director of Special Collections.

**Coutumes.** Heading GW Law’s recent acquisitions is an important representative of the early “general coutumes of France:” *Le grant Coustumier de France* (Paris, 1536-1537), compiled by the fourteenth-century *jurisconsulter* and seasoned practitioner Jacques d’Ableiges. The discovery of d’Ableiges as the redactor of the early collectanea of customary law occurred relatively recently, through close manuscript study in the late nineteenth century at the Bibliothèque Nationale.

Originally compiled in the last quarter of the fourteenth century, *Le grant Coustumier* was a source of practical legal and procedural guidance (covering private civil, but not criminal, law) which appeared during the era of private compilations, before the King’s mid-fifteenth-century order to gather and organize systematically the extant regional customary laws. Thus, the private compilations preceding the royal order, despite their utility and the lawyers’ reliance upon them, are not considered official versions.

This elegantly-produced work with its gothic type, decorated and inhabited initials, and printer’s device on the title page and at the end, holds true to the tradition of its printer, Denis Janot, who produced high-quality works in the vernacular. Two separate illustrations, “l’arbre de consanguinité” and “l’arbre d’affinité,” illustrate blood and marital kinship for reference in determining legal marriages and resolving issues of inheritance.
The Law Library appears to hold the only copy of this edition in the U.S. And although both the title page and colophon indicate a 1536 printing date, this book offers something of a mystery, since bibliographic authorities hold that the book was printed in 1537.

Other recently-acquired works of customary law, from the sixteenth, seventeenth, and eighteenth centuries, include: Bourgogne (Dijon, 1540); Troyes (1609); Bretagne (Nantes, 1625) (not found in the standard coutume bibliographies); Metz (Metz, 1683); and Namur [Belgium] (Liege, 1732).

**Incunabulum.** With *Practica Iudicialis* (Lyons, 1477), the Law Library continues to close in on the next milestone in its incunabula holdings, 200 titles. This early work on canon and Roman law pleading, printed in red and black in double-column gothic type, is without title page, pagination, signatures, or catchwords. Its colophon is printed in red. This work joins later works in the collection authored by Giovanni Pietro Ferrari (printed in the sixteenth and early seventeenth centuries).

**Dueling.** The Law Library added to its large collection of works on dueling with *Discours des querelles et de l’honneur* (Paris, 1598). Its author, Guillaume de Chevalier (circa 1564-circa 1620), wrote several books on dueling, including the anti-dueling tract *Les Ombres des defunts sieurs de Villemors et de Fontaines: Discours Notable des Duels* (Paris, 1609), which became part of England’s anti-dueling arsenal, translated into English, in its early seventeenth-century campaign to rid the country of the practice.


**New Additions to the Boston College Law Library’s Collection of Women Printers and Booksellers, by Laurel Davis, Curator of Rare Books & Manuscripts.**

In anticipation of a spring 2020 exhibit on women law printers, booksellers, and more, we have acquired several exciting items, including a 1754 Dublin printing of Gilbert’s *Law of Evidence* from bookseller Sarah Cotter; a 1760 London edition of the same Gilbert work, printed by Catherine Lintot; a 1774 Annapolis edition of Elie Vallette’s *Deputy Commissary’s Guide*, printed by Ann Catherine Green, one of the earliest women printers in colonial America; and *The Trial of Robert W. Houston*, printed by master printer Lydia Bailey of Philadelphia in 1817. Keep an eye out for news on the spring exhibit!
Former Professor Donates Maltese Collection to Kresge Law Library, University of Notre Dame, by Amanda Gray, Digital Editor.

A special collection focused on the Republic of Malta is being added to the Kresge Law Library at Notre Dame Law School.

The collection was donated by Douglas Kmiec, a former U.S. ambassador to Malta and professor at the Law School in the early 1980s. Kmiec said he donated the collection in memory of Joseph Buttigieg, a Maltese native who began teaching in Notre Dame’s English department in 1980, the same year Kmiec started teaching at the Law School.

Buttigieg, a highly respected scholar and popular professor, died in January.

“One reason to make the gift is that Joe and I were rookies together, but there’s more,” Kmiec said. “Since the materials were public acts of diplomatic friendship, they should be publicly accessible. Given our interlocking faith histories and cultural understanding, can there be any better place than Notre Dame?”

Thomas Mills, associate dean and director of the Kresge Law Library, said the collection is a welcome addition to the Law Library’s holdings.

“The collection is a wonderful illustration of not only Maltese history but of this friendship between two scholars,” Mills said. “We hope Notre Dame lawyers and law students are enriched by its presence.” For more information on the Kresge Law Library, visit law.nd.edu/library.

Arthur J. Morris Law Library Acquires Jefferson Letter on Law School’s Founding, University of Virginia School of Law, by Randi Flaherty, Special Collections Librarian.

Just months before he died, Thomas Jefferson completed one of his last tasks in the project to establish the University of Virginia: the selection of the University’s first law professor. In an April 1826 letter recently acquired by the UVA Law Library, Jefferson wrote to members of the University’s Board of Visitors that John Tayloe Lomax had accepted the professorship of law and would commence law classes in July 1826.

Early this summer, the Law Library was alerted to the letter’s upcoming auction at Sotheby’s. Prior to its sale at Sotheby’s, the letter had once been part of the James S. Copley Library, a large private collection of American manuscripts, books, pamphlets, broadsides, and maps. As a circular letter to the Board of Visitors, Jefferson wrote, signed, and sent copies to every member of the Board. The New York Public Library holds James Madison’s copy in its collections; the Albert and Shirley Small Special Collections Library at UVA holds the copy sent to Joseph Carrington Cabell. Based on markings on the UVA Law Library’s newly acquired letter, we believe that this is the copy sent to James Breckenridge.
The Jefferson letter will now be part of the Law Library’s Special Collections and Archives. To learn more about the contents of the letter, please see the announcement: http://library.law.virginia.edu/ajm-blog/2019/09/02/library-acquires-jefferson-letter-on-law-schools-founding/. Interested researchers should contact archives@law.virginia.edu.
Eduardo Colón-Semidey is a Reference Librarian in the Yale Law Library for the 2019-2020 academic year. He is also working on a Ph.D. in history from the University of Puerto Rico. He already has an M.L.S. and a J.D., and previously worked as a cataloger at Florida University College of Law.

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Laurel Davis (Boston College Law Library) has an article forthcoming in the Fall 2019 issue of Law Library Journal: “The Library of Robert Morris, Antebellum Civil Rights Lawyer & Activist,” co-authored with Mary Bilder, Founders Professor of Law, Boston College Law School. The article grew out of an exhibit that the authors curated in Spring 2017. A preprint of the article is available at https://lawdigitalcommons.bc.edu/lsfp/1154/. Images and the catalog from the Morris exhibit are available on the exhibit webpage.

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Ryan Greenwood (University of Minnesota Law Library) has published an article that is directly relevant to our membership: “Special Collections in View: Marketing and Outreach as Reference Services,” Legal Reference Services Quarterly (published online Sept. 26, 2019; forthcoming in the print edition). His other recent article is “The Just War in Florentine Political Discourse: c. 1200-1400,” Jus Gentium 4:2 (July 2019), 351-382.

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Akram Pari (University of Cincinnati Law Library) prepared a display of 24 rare books for her law school’s celebration of Constitution Day, Sept. 24, 2019. She reports an excellent response from students, faculty, and visitors. The title of her exhibition was “Hamilton is Here! Not the Play, His Papers.”

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Mark Podvia (University of West Virginia Law Library) is out of rehab after his recent surgery. Go, Mark!

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Paul Pruitt (University of Alabama Law Library) published “Pieces of Paper: Cards and Certificates and Their Role in the Recent Past,” a substantial overview of legal

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**Dan Wade** (Yale Law Library) put together an exhibit on “The Largest Witch Hunt in World History: The Basque Trials (1609-1614),” which was on display throughout October 2019 in the Yale Law Library.

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**Karen Wahl** (George Washington University Law Library) traveled to the country of Georgia over the summer to sing Zacharia Paliashvili’s *Liturgy of St. John Chrysostom* with the Capitol Hill Chorale. Composed on the eve of the Russian Revolution, the *Liturgy* sets traditional Georgian chants in a classical Western setting. The Capitol Hill Chorale’s well received performances were amongst the first exhibitions of the piece in its entirety in Georgia since Paliashvili’s time. The Chorale was also honored to be the first to perform selections in tandem with two groups, Aghsavali Ensemble and Ialoni Ensemble, comparing Paliashvili’s settings with the original Karbelashvili chants upon which they were based.

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One final note: **Kaylan Ellis** (Ohio Northern University Law Library) has generously volunteered to take my place as “Member News” editor, beginning with the next issue of the *LHRB-SIS Newsletter*. This is one of several commitments I am withdrawing from as I prepare for retirement, and I am pleased that this particular commitment is being left in Kaylan’s able hands.
Members of LH&RB come from different backgrounds and work in a variety of settings. The LH&RB Member Spotlight interviews members to learn more about their roles in law libraries, their interest in legal history and rare books, and how they utilize these sources in their day-to-day activities. The hope is that readers will not only get a chance to learn more about a fellow LH&RB member, but that the interview will foster new ideas for how members can incorporate legal history and rare books into their work.

For this issue, Lena interviewed Michelle Trumbo, Executive Director of the Legal Information Preservation Alliance (LIPA).

**LR: Tell us a little about yourself.**

**MT:** Currently, I am the Executive Director of the Legal Information Preservation Alliance (LIPA). After graduating from law school, I was a litigator for several years. A passion for research spurred my transition from attorney to law librarian. My first library position was as Electronic Services and Reference Librarian at the Jerome Hall Law Library at Indiana University’s Maurer School of Law. Prior to joining LIPA, I was Head of Reference and Instructional Services at George Mason University’s Law Library.

A native Marylander, I returned to the Old Line State with my husband a few years ago. We live out in the country with a newly adopted 6-month-old puppy and our geriatric cat. I enjoy reading, crafting, and managing my (long-suffering) fantasy football team.

**LR: What prompted you to join LHRB?**

**MT:** Professionally, I joined LHRB to learn about the preservation efforts and special collections being created within our community. Personally, like many librarians, I’ve always been fascinated by all aspects of old books. My favorite project in library school involved selecting, researching, and presenting on a volume from the law library’s rare book collection. Historical works provide distinctive insight into a past culture’s mores and folkways and give us a glimpse into the lives of its contemporaries. The aesthetics
of old books are amazing too -- antique book plates, curious marginalia, and even their delightful musky smell (according to University College London’s Institute for Sustainable Heritage the chemical compounds they release are very similar to chocolate and coffee!).

**LR: What part of legal history and rare books most interests you?**

**MT:** It’s the active relevance of legal history and rare books that interests me the most. Law is a unique discipline. Due to the importance of precedent, it is always mindful of the past. On a daily basis, judges, attorneys, and everyone else involved in the legal process relies heavily upon its history. Preservation of and access to historical legal materials is essential to applying the law to contemporary issues in an accurate and ethical way.

**LR: How long have you been in your current position with LIPA and what do you have planned for the organization?**

**MT:** I’ve been LIPA’s Executive Director since July of 2018. There are many exciting things in the works, including expanded continuing education opportunities and additional support for libraries undertaking preservation initiatives.

On April 1st - 3rd, 2020 we’re teaming up with NELLCO to host a joint symposium in New York’s Capital Region. The symposium will include a block of programming dedicated to archival and preservation topics. If you have an idea for a program that you’d like to see included or if you are interested in presenting, please contact me.

LIPA’s website is also being refreshed. The new version will feature practical and “how to” content for our members. It will also showcase our members’ preservation projects, including information on the tools and resources used.

**LR: What does the future hold for the preservation of legal information?**

**MT:** It’s an extraordinarily dynamic time for preservation. There is increased public interest in archival collections and a heightened awareness of the fragility of print and digital legal information. With respect to content, a broader view of what constitutes legal information is emerging and there are early efforts to preserve content beyond traditional sources, such as datasets and other empirical information. In terms of libraries’ focus and projects, the current trend of digitizing legal materials to increase access will certainly continue. Librarians and archivists are also busy tackling the preservation challenges posed by the exponential increase in born-digital information. As a result, we should see new ways of accessing and displaying information beyond the traditional catalog, including more standalone digital collections.

If you are interested in learning more, please contact Michelle by phone (443-975-3816) or email (lipa.trumbo@gmail.com).