LEGAL INFORMATION SERVICE TO THE PUBLIC SPECIAL INTEREST SECTION

VOLUME 5 NO. 1 FALL 1992

LETTER FROM THE CHAIR

One Person Can Make a Difference

I am starting off my new term as chair of LISP by asking a personal commitment from each member of our SIS and each reader of the LISP NEWSLETTER: reach out to your public library. One of the ways we can improve access to legal information to the public is by improving the public librarian’s knowledge of legal research and materials. And one way to improve the public librarian’s knowledge of legal research and materials is by improving the librarian’s relationship with a law librarian. If you have not already done so, make personal contact with a local public librarian. Volunteer to be that librarian’s resource for legal materials and research. Set a goal to make that one small step this year.

If you already know a local public librarian, then set a goal to do one good deed for the library this year. Conduct a workshop on legal research. If that seems too much, then teach a public librarian how to use, say, the United States Code, or Federal Register, or state statutes. Assist a public library improve its collection of legal materials: help draft a collection development policy, or walk through the reference shelves and note weeding or purchasing selections, or even give the librarians a subscription to LISP News!

Let me know your progress. In later NEWSLETTERS, I’ll publish your efforts and the efforts of your colleagues. No matter how small the step, it’s still one step closer to the goal of community-wide access to legal information.

Regarding LISP SIS business, I would like to thank Kathy Garner, Julie Lim, and Mary Ann Nelson for providing leadership to the SIS during 1991/92. Also many thanks to Karlye Pillai for chairing the Program Committee for the Boston meeting in 1993. Karlye and her committee have developed intriguing and exciting program
proposals. Kariye's report on the programs submitted to the AALL Education Committee ideas appears later in this NEWSLETTER.

One other major thank you goes to Bobbie Studwell who has done an excellent job as editor of LISP News. And we need someone to continue the work since Bobbie will be leaving the editorship after the next few issues. If you are interested in volunteering to be editor, please let me know by October 15, 1992.

Speaking of volunteering, there are any number of opportunities for members of LISP. I or Heather Simmons will be contacting many of you to enlist your help on the Nomination Committee, Program Committee (for the Seattle meeting), as well as special committees, and, of course, LISP will need volunteers to help encourage chapters to develop programs aimed at non-law librarians and to establish pro bono programs. But, if you don't want to wait for our call, don't be shy: call us. If you have an idea, share it. If you want to help, volunteer. Our SIS can grow and achieve only through your participation.

Sharon Blackburn

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1992-93 OFFICERS

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Deadlines for the LISP NEWSLETTER are as follows:

WINTER 1993 issue - November 15, 1992
SPRING 1993 issue - February 15, 1993
SUMMER 1993 issue - May 15, 1993
FALL 1993 issue - August 15, 1993

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CONTINUING EDUCATION CALENDAR

1992

Sept. 26 - Oct. 3  BANNED BOOKS WEEK


BUSINESS MEETING
July 19, 1992
SAN FRANCISCO, CALIFORNIA

The 1992 business meeting of the Legal Information Service to the Public, Special Interest Section (LISP-SIS) was called to order by Chair Kathy Garner at 1:35 p.m. on Sunday, July 19, 1992.

Old Business

The minutes from the 1991 business meeting in New Orleans were approved as published in the LISP NEWSLETTER of September 1991. Secretary/Treasury Julie Lim gave the Treasurer’s report, indicating that LISP-SIS account showed a balance of $2,044.59, according to the May 31, 1992, income statement from AALL Headquarters. She also reported that there were approximately 300 LISP-SIS members as of June 1992.

Sharon Blackburn reported for Frank Weston, who is currently the editor of LISP NEWSLETTER. She said that the NEWSLETTER will be growing and that Madeleine Herbert will provide a quarterly update to the Self-Help Law Sampler, 1986-1991, published by LISP in 1991. Sharon Blackburn also asked for volunteers to attend and write a synopsis of each of the three programs presented at the San Francisco conference. These synopses will appear in the September 1992 issue of the NEWSLETTER. Liz Evans volunteered to do the program on the impact of TV on the public perception; Beth Schneider on battered women; and Gayle Webb on unauthorized practice.

Kathy Garner asked for a volunteer to be the new editor for LISP NEWS. Because of other commitments, Bobbie Studwell, the current editor, cannot continue in the position. She will finish the three issues for this year; one which will be on collection development for a non-law library, and another on basic law collection development. Bobbie Studwell indicated that new ideas are needed for the News. In addition, Bobbie said that the format of the News was set and available on disk to the new editor, and that the format was easy to follow. She did warn that getting authors is a problem. Kathy Garner thanked Bobbie Studwell for all her great work as editor and asked that anyone who in interested in being the editor of the LISP NEWS to contact Sharon Blackburn.

Betty Karwick and Eileen Cohen, co-chairs of LISP Program Committee for 1990-91, mentioned the three programs being sponsored as well as co-sponsored by LISP at the 1992 Annual Meeting, which were "Battered Women Who Kill," "Unauthorized Practice of Law," and "Impact of Television on the Public’s Perception of the Law: Everything I Know About the Law I Learned from TV." Betty Karweick described the latter program and its speakers. She indicated that Nancy Strohmeyer would give a law librarian perspective about patrons who had learned the law from various law-oriented television shows. Charles Rosenberg, a legal consultant to "L.A. Law," would describe how producers determine what would be broadcast. Betty said
that the Education Committee was excellent in providing support for this program. Beatty also thanked Mark Bernstein for doing a good job as coordinator for this program. Kathy Garner thanked the co-chairs and the members of the committee for their work.

Kathy Garner reported on the revision process of the fourth edition of the Public Services Procedural Guide. Copies will be sent only to officers of local chapters and a copy to the Clearinghouse. The Guide includes many items such as: long range planning; a Clearinghouse annotated bibliography prepared by Barbara Golden; and a legal access survey. Kathy Garner indicated that there would be a new edition every one to two years.

Kathy Garner reported that she was not able to get the Pro Bono Service Project on the agenda of the Council of Chapter Presidents but information was given to all Chapter Presidents. Sharon Blackburn gave a summary of the project. It started under the aegis of Bobbie Studwell, and others, to establish a pro bono program in which attorneys are linked to law librarians in order to work together in providing pro bono assistance to the community. Sharon Blackburn would like all members to pass the word about the project and to encourage people to get involved.

New Business

Kathy Garner announced the results of the mail-ballot election. Heather Braithwaite Simmons will serve as Vice-Chair/Chair-Elect for 1992-93, and Eileen Barbara Cohen will be Secretary/Treasurer. Kathy Garner thanked Bobbie Studwell, Chair, as well as Melanie Putnam and Sally Holterhoff of the Nominating Committee for putting together such a fine slate of candidates.

Mary Elizabeth, Assistant Director of Texas Legal Resources Center for Child Abuse and Neglect, spoke about the Center and its resources. The Center provides assistance to inexperienced attorneys in handling child abuse cases, legal and non-legal information to professional social workers, bibliographies on child abuse, domestic violence, child neglect, network services, etc. The Center’s library is part of the Tarlton Law Library, University of Texas, Austin. Kathy Garner thanked Ms. Elizabeth for coming to speak to the LISP members.

Kathy Garner announced to the group about the program titled "Defining the Law Librarian: A Town Meeting." She mentioned that written comments could be given to Merle Slyhoff, coordinator and moderator of the program, so that the comments could be discussed at the program.

Ideas for programs for the 1993 Annual Meeting in Boston were discussed. Sharon Blackburn mentioned that Karlye Pillai and the LISP Program Committee have started to look for new ideas early this year since the deadline for submission of proposals is August 15th. The following proposals were mentioned:
1. Privacy Law (SNELLS’S proposal, and would like LISP to co-sponsor)

2. Elder Law (Contemporary Social Problems SIS proposal, and would like LISP to co-sponsor)

3. Veteran’s Law

4. Pro Bono Rule Revision & Role of Law Librarian in Pro Bono Service

5. Government Documents for the Pro Se Patron (would ask Government Documents SIS to co-sponsor)

6. Helping Pro Se Patrons with AIDS on Legal Research

7. Bar Referral Services, Legal Aid Clinics, and Local Referral Databanks

8. Developing Core Collections for Use by Pro Se Patrons

9. Reference Service for Persons with Disabilities: What Tools are Available for the Post ADA Generation?

10. Educating the Public: Library-Based Programs to Teach Legal Research Techniques to the Public

11. Town Meeting on Service to the Public: What are You/We Doing?

12. Free-nets: Coming to a (Computer) Screen Near You

13. Programs That Train Law Students

Volunteers were requested to help develop any of the proposals. Barbara Golden suggested that if LISP members know of any good speakers that they should contact Sharon Blackburn, Heather Simmons, or Eileen Cohen. Sharon Blackburn thanked Karlye and the committee, consisting of Bob Emery, Liz Evans, Sandra Lindheimer, Lynn Randall, and Janice Shotwell, for their good work.

Kathy Garner announced that the Private Law Librarians (PLL-SIS) are developing a Resource Guide for Law Librarians. It will be a directory of contact people for many aspects of library work. Forms were distributed at the meeting of LISP members could sign up for the directory.

Barbara Golden gave a report on the Clearinghouse Collection. It has been situated for three years in the Midwest. Since June 1991, 47 items were circulated and five new items were added to the collection. She would like to do more outreach, especially to the Spanish-speaking communities. Barbara would appreciate it if extra copies of items could be sent to the Clearinghouse.
Kathy spoke, on behalf of Lee Warthen, Chair of the Brochure Committee, about the status of its project. The Committee has been working on a basic pathfinder on legal resources. LISP hopes that this pathfinder will be funded by AALL. First, a grant proposal needs to be submitted to AALL around mid-September; and second, volunteers are needed to work on the wording of the brochure. The AALL Public Relations Committee might offer assistance on this matter.

There was a discussion on changing the bylaws regarding the splitting of the office of secretary/treasurer into two positions, and making all LISP offices open to nominees who have been members of LISP-SIS at least one year. There was agreement regarding the latter proposal. As to the former proposal, it appeared that many of the Special Interest Sections were having trouble receiving the financial statements from AALL Headquarters. Kathy Garner mentioned that at the SIS Council meeting it was pointed out that by splitting the position more people could get involved, and it would return financial control to the Special Interest Sections. At the LISP business meeting, there was a consensus that if the financial control did reside with the SIS, then the position of the secretary/treasurer would become two positions. However, it was pointed out that the Nomination Committee might have trouble getting people to be on an expanded slate. The final proposal was that if the financial control was to return to the Special Interest Sections, then LISP members would consider dividing the position; otherwise it would remain as one position. It was moved and seconded and approved by voice vote. The change in the bylaws will not take place until there is unanimity among all the sections. If there is unanimity, then it will be decided at the annual meeting in 1993.

Kathy Garner then introduced the new officers and turned the meeting over to Sharon Blackburn, the 1992-93 LISP-SIS Chair. Sharon thanked Kathy Garner and Julie Lim for their services. She also reiterated LISP’s commitment to provide legal research to the public and to encourage its members to be more personally involved with providing legal research instruction to the public. Sharon would like to see public libraries have a basic overview on legal research. Sandra Lindheimer (Middlesex Law Library) mentioned that she had received a grant to develop handouts on legal research to the public, and that these handouts were excellent. Local chapters have been doing educational programs for the public. Sharon would like to see more individual commitments in this area be publicized in the NEWSLETTER.

The meeting was adjourned by Sharon Blackburn at 3:32 p.m.

Respectfully submitted,

Julie Lim
1991-92 Secretary/Treasurer
AALL LISP-SIS
LATE NEWS FROM THE CHAIR

LISP SUBMITS PROGRAM PROPOSALS FOR BOSTON 1993

LISP has submitted five program proposals and agreed to co-sponsor eleven others for the 1993 AALL meeting in Boston. Titles of some of the programs proposed are:

The Grey Generation: Assisting the Aging Patron (co-developed with State, Court, and County SIS)

Toward a Generation Committed to Service: Pro Bono Rule Revision and the Role of Law Librarians

Legal Information for All: Grants that Work

Developing Core Collections for Use by Pro Se Patrons

Educating the Public: Law Library Based Programs to Teach Legal Research Techniques to Non-Law Librarians

Privacy Law (co-sponsored with Southern New England Law Librarians’ Association)

Free Nets: Coming to a Computer Screen Near You

HIV and AIDS: The Next Generation is NOW (co-sponsored with Contemporary Social Problems SIS)

Jail Law Librarians: Networking for the Forgotten Generation (co-sponsored with Contemporary Social Problems SIS)

Trends in Child Advocacy: Protecting the Next Generation (co-sponsored with Contemporary Social Problems SIS)

Health Care: For the Next Generation (co-sponsored with Contemporary Social Problems)

We will keep you up to date on the status of these programs. We would also like to hear from you if you would like to contribute to any of these programs, or if any of these proposals strikes a spark that makes you think of a possible program for Seattle in 1994. If you have an idea or suggestion, please contact either Sharon Blackburn or Heather Simmons.
THE AALL RESEARCH AGENDA

President Mark Estes has appointed a special committee to establish an AALL research agenda and to develop proposals for supporting and encouraging research on topics listed. The members of the committee are Dick Danner, Nancy Carol Carter, Jack Ellenberger, Catherine Lemann, and Lee Nemchek.

What is a research agenda? As defined by the special committee, the AALL research agenda will be a list of research priorities: areas within law librarianship where research is needed to improve the work of the profession. Some topics on the list will be of general benefit; others will be specific as to library type or specialization.

Why is research in law librarianship important? All professions need ongoing research in order to improve the work and practice of the profession and to remain vital in a changing environment. Research topics on the research agenda should have practical value for the members of the profession. (For more discussion of the importance of research, see Dick Danner’s editorial in the Fall 1991 issue of Law Library Journal.)

How will the agenda be compiled? The research agendas of other library associations, such as SLA, will be the sources of ideas for the AALL research agenda, as will other studies that have identified trends and emerging areas of concern where research is needed. We will also have the benefit of a study of academic law library directors’ research priorities published in the Summer 1992 issue of Law Library Journal, and a survey of private law librarians published in PLL Perspectives.

These sources will provide the committee with a number of ideas, but what we need most is the current, active participation of all segments of the AALL membership in our project. We hope to compile a tentative list of research topics this fall, which will then be published in draft form for member comment and reaction before it goes to the AALL Executive Board.

What topics should be on the research agenda? How can I let the committee know what research I think needs to be done? Members of the committee are working with the academic, private, and state, court, and county special interest sections to ensure that the needs of librarians in all types of law libraries are considered. We will also be publicizing our project in chapter and other SIS newsletters.

But we need to hear from you to make the project work. If you have ideas for research topics or simply want to discuss the research agenda idea, please contact any members of the committee by November 1: Dick Danner, at the Duke Law Library (E-Mail ZAD@FACULTY.LAW.DUKE.EDU); Nancy Carol Carter, at the University of San Diego Legal Research Center (E-Mail N_CARTER@USDCSV.ACUSD.EDU); Jack Ellenberger, at Shearman & Sterling in New York City; Catherine Lemann, at the Law Library of Louisiana; and Lee Nemchek, at Morrison & Foerster in Los Angeles.
BATTERED WOMEN WHO KILL: SELF-DEFENSE OR MURDER?

Co-sponsored with the Contemporary Social Problems SiS, LISP presented the well attended program "Battered Women Who Kill: Self-Defense or Murder?" during the 1992 AALL Annual Meeting in San Francisco. The panel was composed of a clinical psychologist and two attorneys. Margaret Nichols spoke first providing a brief history of the development of the Battered Woman syndrome, and why it took so long for the seriousness of the issue to be recognized. This was followed by a presentation on the psychological profile of the victim and the batterer.

Cadence Heiser then discussed how the legal system reacts to the battered woman. She stressed that the Battered Woman Syndrome is not in itself a defense but supports the claim of self-defense. No one argues that the woman should be acquitted because she is battered but rather because she feared that her life was in imminent danger as a result of the battering. She also described some of the difficulties involved in making a jury understand why a woman would allow the battering to continue, and how some of the misconceptions concerning battered women can be overcome during trial. LISP Chair, Sharon Blackburn prepared a State Survey on the Admissibility of Evidence Concerning the Battered Woman Syndrome which was distributed as one of the handouts.

The program concluded with a presentation by Roberta Thyfault on efforts in California to persuade the governor to grant clemency to a group of women who killed their batterers, were convicted of murder, and sentenced to prison. The process is particularly difficult because the granting of clemency is completely discretionary with the governor, and there are no procedural guidelines. At this time the process is continuing. The coalition supporting the women petitioning for clemency is hopeful that at least some will be granted clemency as has been done in other states.

Elizabeth Schneider
Texas Tech University Law Library

UNAUTHORIZED PRACTICE OF LAW:
CAN YOU STOP WORRYING AND HELP THE PATRON?

This Tuesday morning program should have allayed the fears of even the most paranoid of law librarians. According to Susan B. Spielberg (Assistant Bar Counsel for Ethics and Unauthorized Practice of Law, Virginia State Bar), Robert Perez (Assistant in Charge, Consumer and Environmental Protection, San Francisco District Attorney's Office), and John Moore (Branch Director, San Francisco Law Library), we appear to be doing an excellent job in policing ourselves with regard to drawing the line between legal reference and legal advice.

The panelists responded to a series of real life reference desk encounters as well as to situations related by members of the audience. For example, scene no.1
was a phone call from an attorney to a non-JD librarian, asking him/her to shepardize a case. The librarian reported (over the phone) which issues he/she was using and that "there are no little letters next to any cases so yours must still be good law." Panelists Spielberg and Perez felt this response was ok because the patron was an attorney who is ultimately responsible for his own work product. If it were a pro se patron, they felt the phrase "... must still be good law" could lead to problems and should be dropped from the response. Some libraries simplify this situation by having a policy of not shepardizing for anyone, others will only do it on-line and charge a fee for it. All options appear to be viable, with caution only for those requests by pro se patrons.

Other scenes included requests for reading specific code sections over the phone, finding cases, forms, and topics in codes when the patron does not have a specific citation. Statute of limitations questions are always regarded as problems, however, so everyone's advice on these was to have the patrons read the code section and cases themselves. All panelists agreed that the librarian has more leeway when dealing with an attorney or a judge and that many responses to specific cites, etc., are just information, not advice, regardless of who is asking the questions. Potential problems occur with responding to pro se or to paralegals, but prosecutors are not likely to take action against a librarian for inaccurate information unless great harm were involved. The unauthorized practice of law statutes are generally seen to keep unlicensed attorneys, paralegals, or others claiming to be "legal experts" in their field from defrauding the public.

If independent paralegals are certified by statute, they can be given the same reference assistance as attorneys. If not, they should be treated with the same caution as pro se litigants. When in doubt, panelist Moore stressed "don't answer -- less is better than more." Even if a reference librarian is a licensed attorney in a particular state, he/she is not entitled to give advice because they are employed as a librarian, not as an attorney. The panelists also encouraged librarians to forge working relationships or network with their local bar ethics committees, legal aid clinics, court clerks, and those prosecutors responsible for consumer complaints. These people will appreciate our concerns regarding legal advice versus legal reference and probably be glad to offer assistance where they can.

This program was well attended and certainly helpful to this reporter. If you are going to buy only one tape from this year's Annual AALL meeting, I would definitely recommend this be the one!

Gayle Webb
Riverside County Law Library

IMPACT OF TELEVISION ON THE PUBLIC'S PERCEPTION OF THE LAW:
EVERYTHING I KNOW ABOUT THE LAW I LEARNED FROM TV

Is television helping or harming the public's image of the legal system? What is the impact of TV on the public perception of the law? The panel coordinated by Mark Bernstein was quite informative in an intellectual discussion of this subject.
Vivian Berger, Professor of Law at Columbia University, spoke about the influence of TV in the courtroom. TV enlarges the audience, and this can be a double-edged sword in legal proceedings. TV definitely influences the attorneys, judge and the jurors in subtle ways. For instance, Prof. Berger said, jurors may either seek or resist being on a case that is to be televised. A large drawback of the cameras in the courtroom is the draining of judicial energy into media madness. Prospective jurors may vie to because of notoriety. Defense and victim attorneys suffer the most with exposure of TV. TV in the courtroom had hoped to open the judicial process to an atmosphere of freedom of information for the general public. In reality, though, the Rodney King and Clarence Thomas trials by camera resulted in cynicism, while people seemed to feel that William Kennedy Smith received a fair trial. Justice Brandeis said, "Sunshine is thought to induce better procedure and stimulate better performances by all." Prof. Berger feels that, although TV in the court is beneficial overall, she would like to ensure that complete sunshine should be altered for some protective shade.

Charles Rosenberg, who is the technical legal advisor to LA LAW, talked about how scripts for this show are written. Primarily, scripts are interested in plot and in character. The character must be sufficiently interesting to have the public tune into this character once a week. Justice must be very swift on TV. Within one hour, the conflict must be resolved and there must be an echo for future or past references. TV is an emotional and visual medium, and the script must make you feel. The law is often of secondary concern. In addition, what is boring in real life is boring on TV, and what is intellectually interesting is not always dramatically interesting. For instance, Mr. Rosenberg mentioned some civil procedure aspects that he finds very interesting that will never be in a script on LA LAW. No constitutional law issue will be the major focus of a script. Perhaps, if a dramatic ploy would never be done in a law office negotiation or courtroom, Rosenberg likes to have Leland MacKenzie or Anne Kelsey say, "That's ridiculous. It's never going to work," but the script goes on with the artifice.

Nancy Strohmeyer, Associate Librarian for Public Services at Loyola University Law Library, gave a wonderful, clever speech, as a viewer of all the law programs on TV. Her pointed questions to Prof. Berger and Mr. Rosenberg, included "Why are there no law librarian characters on TV?" and "Why can any character, temp help or secretary on TV find information to difficult legal problems immediately?" She wished that law shows did not encourage law students to continue to believe they are smarter than law librarians.

If you missed this program, I suggest you acquire the audiotape for a really informative and fully discussion of the influence of TV and legal shows on judicial proceedings.

Liz Evans
New York University Law Library
NEW BOOKS COVERED


Professor Anita Hill's charges against Judge Clarence Thomas brought the topic of sexual harassment to the forefront of public awareness in October 1991. This timely book carefully analyzes all aspects of sexual harassment and offers several avenues of attack for the victim. It discusses the background, causes, and effects of sexual harassment; and gives helpful first steps to stopping harassment while building a legal case if legal action becomes necessary. The reader's interest is piqued with case studies and quotes from writers and politicians on sexual harassment, interspersed with analysis of legal materials. Particularly interesting is the special scenario of the not-so-rosy case of Ms. Riveter. The EEOC and the U.S. Civil Rights Act, State Fair Employment Practice laws, and common law tort actions are covered. The book ends with a chapter on hiring a lawyer and doing legal research.

Madeline Hebert
Louisiana State University Law Library

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NEW BOOKS RECEIVED


Warner, Ralph. EVERYBODY'S SMALL CLAIMS COURT; How to prepare your evidence, win in court, collect your money California tenth edition Berkeley, Nolo Press 1992

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FOR INFORMATION ON THE CENTER OF CHILD ABUSE AND NEGLECT, CONTACT:

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LISP CLEARINGHOUSE

The LISP Clearinghouse collects and loans materials concerning legal information to
the public. Some of these items include: a bibliography on self-help law, materials for
public libraries, and other brochures, videos, booklets, and handouts on legal research
for the non-lawyer. If you need anything of this nature, or if you have anything to
DONATE, please contact:

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Please submit articles for publication in the LISP NEWSLETTER to:
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Articles written by E-Mail or WP5.1 on 5.25” disks are gratefully received.