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LAW LIBRARY BRIEFS

The College of William and Mary
Marshall-Wythe Law Library



Volume 1, Number 2

December, 1989

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This issue of Law Library Briefs is being distributed during the exam period to ensure that two issues of this new venture are published during the 1989 Fall semester. In order to maintain a consistent publishing schedule, future issues will appear at the end of August, October, January and March. Adherence to this schedule means that the third issue will appear in late January. Of course, we hope that the information contained in the newsletter warrants your attention and that you will eagerly await the January issue....MR

TEMPORARY RESERVE MATERIALS ON LION

We encourage students to use the two Lion terminals located in front of the circulation desk to search materials put on reserve by professors. The procedure is very simple.

First, type P/ the professor's last name and press enter. The following menu will then appear on the screen:

William & Mary Libraries---VTLs---Reserve Instructor/Course Menu

INSTRUCTOR NAME	COURSE NAME
1. ROSENBERG RONALD	ENVIRON.LAW
2. ROSENBERG RONALD	PROPERTY 1

Enter NEW COMMAND or LINE # of selection

Make a specific selection from the menu by pressing #1 or #2 and press enter. The following screen will appear.

William & Mary Libraries---VTLs---Reserve Instructor/Course Menu

Item Number	Instructor Name	Course Name	Expire Date	Circ Period	Due Time
1. 1000432686	Rosenberg Ronald	Environ.Law	31Dec89	240	10Sep89 23:30
CALL NO: X31 LOCATION: Law-Temporary Rese					
AUTHOR: FINE: 1.00/HR					
TITLE: ENVIRONMENTAL LAW PROBLEM #4					
2. 1000432685	Rosenberg Ronald	Environ.Law	31Dec89	240	AVAILABLE
CALL NO: X30 LOCATION: Law-Temporary Rese					
AUTHOR: FINE: 1.00/HR					
TITLE: ENVIRONMENTAL LAW PROBLEM #4					
3. 1000432689	Rosenberg Ronald	Environ.Law	31Dec89	240	AVAILABLE
CALL NO: X33 LOCATION: Law-Temporar Rese					
AUTHOR: FINE: 1.00/HR					
TITLE: ENVIRONMENTAL LAW PROBLEM #4					

Enter 'NS' for more
Enter NEW COMMAND, '# RI' for RESERVE ITEM, '# RQ' for RESERVE COURSE or '# RP' for RESERVE INSTRUCTOR

If the three items listed are not what you are looking for, press "NS" and enter to bring up the next screen. Continue to do this until you find what you need.

NOTE: If you type "NS" and press enter and it reads "Invalid Entry," it means there are no more items on reserve for that professor.

Last, and most important, when you locate the item you are looking for, write the call number down and bring it to the circulation desk. This is the number we need to locate the item in the files.

We have hundreds of articles and books on reserve for professors. In order to speed up the process, we ask that students come to the circulation desk with the call number or numbers ready....GM

LOOK IT UP

How to Find Virginia Administrative Regulations

There comes a time in the life of every legal researcher in Virginia when he or she must come to grips with an ugly fact: there is no code of administrative regulations in this state. The reason for this is not clear. It may be that the course of state government runs more smoothly that way. Whatever the reason, unless one decides to move to a more civilized state (Kentucky, for example) which has an annually published code of administrative regulations, it becomes necessary sooner or later to learn how to find which regulations may apply and whether they are still current.

The framework for Virginia administrative law is provided by the Virginia Administrative Process Act, Va. Code §§ 9-6.14:1 et seq., and the Virginia Register Act, Va. Code §§ 9-6.15 et seq. Va. Code § 9-6.18 requires every non-exempt agency having express or implied authority to issue regulations to file with the Registrar of Regulations the full text of current regulations, as well as amendments, repeals or additions to previously filed regulations. In addition, all such agencies must retain originals of

their regulations and make them available for public inspection. Va. Code § 9-6.14:5.

The Virginia Code Commission maintains an official register of current regulations, the Administrative Law Appendix, published annually as a supplement to the Code of Virginia by the Michie Company. See Va. Code § 9-6.19. The Appendix provides, with respect to each agency, a summary of regulatory powers, information about public availability of regulations, a list (but not the text) of current regulations, a list of regulations that are exempt from filing, and where official copies of regulations may be obtained or inspected. The Appendix is useful as a guide to what regulations are promulgated by an agency, and generally where to find them.

More current information concerning regulations is provided by the Virginia Register of Regulations, published every two weeks by the Registrar pursuant to Va. Code § 9-6.14:22. The Register contains the text of proposed and final regulations, as well as the text of amended regulations. The publication also prints tax bulletins, emergency regulations, executive orders, and notices of public meetings and public hearings of state agencies and legislative bodies. In many respects it resembles the Federal Register.

Like the Federal Register, unfortunately, the Virginia Register of Regulations publishes chronologically. Regulations of a particular agency are scattered throughout the issues of a volume year (which runs from October through the following September) and throughout previous years as well. Research may often require leafing through several years of bound volumes to find all of the proposed, final and amended regulations of a given agency.

The biweekly edition of the Register lacks a subject index. However, the table of

contents is arranged alphabetically by agency. By scanning the table of contents it is possible to locate the latest regulations and amendments pertinent to a particular agency. This is not much help if you don't already know which agency has regulatory authority over the issue being researched.

More useful are the quarterly subject indexes published by the Division of Legislative Services and distributed with the Register. References are to pages within each volume (numbered issues are paginated consecutively throughout the year). The final subject index of the year is cumulative, which makes searching through several volumes a bit easier. Page numbers are unfortunately not printed on the spine of the bound volumes, and a bit of hunting is often necessary to locate a referenced page.

Finding a page reference does not guarantee that the current text of a regulation will be printed in full, however. A long list of agencies are exempted from compliance with the Virginia Administrative Process Act and the Virginia Register Act. See Va. Code § 9-6.14:4.1. Furthermore, regulations that are deemed too lengthy by the Registrar may be summarized instead of printed in full. Va. Code § 9-6.14:22. Finally, regulations can be withdrawn by the issuing agency any time prior to the regulation's effective date. Va. Code § 9-6.14:9.4. There is no requirement that a withdrawal action be published.

While this is a dismal state of affairs, and somewhat astounding given the size and complexity of the government of the Commonwealth, in many cases the full text of a current regulation or a proposed regulation will only be available through the issuing agency. Procedures for obtaining regulations may normally be

found in the Appendix, or by contacting the agency directly.

In some instances an agency will compile all of its regulations and related statutory material into one convenient volume, which is then made available on request. These compilations, if owned by the Law Library, are cataloged and classified and may be called up on the LION terminals. An example is Virginia Game, Inland Fish and Boat Laws and Regulations, 1989 edition, issued by the Department of Game and Inland Fisheries. If you need assistance with searching through the Register, or if you need to find out who to call to locate a copy of the full text of a current, proposed or amended regulation, contact Rick Buchanan or Mary Grace Hune in the Reference Department....RB

PHOTOCOPIER ACCOUNT

Early in 1984, former Law Librarian, Ed Edmonds, and former Dean, William B. Spong, Jr., agreed that the photocopy system at Marshall-Wythe was sadly lacking. Together they worked out an agreement with the Marshall-Wythe Foundation to sponsor the law school's photocopy operations.

Dean Spong's idea was that no student would have to pay more than 5 cents per copy and today, as long as the students purchase their copies on copy cards, that holds true. Copies cost 10 cents each on the coin op machine.

Three photocopying machines were purchased during the first year of operation. Today we have replaced the initial equipment with three new Océ machines and one Ricoh, all available for student use. There is a Sharp in the administrative suite as well as a Ricoh and a Mita upstairs in the faculty area. There is one Sharp in the

technical services area. Three machines at the outset, and now, eight!

The latest Foundation purchase is the "electronic cashier." This new machine is now up and running and will be a life-saver to the students during the exam period.

The beauty of the photocopying venture is that all equipment is paid for. Money that comes in is used to maintain the machinery and to buy paper and supplies. The goal is to keep up-to-date equipment in excellent working order for all of us.

Without the original plan and the Marshall-Wythe Foundation, the Photocopier Account would not be as successful. We hope it continues to thrive so that Foundation funds can be used to benefit the students and faculty....JC

IN BRIEF

Exam Files: Exams from past semesters are maintained at the circulation desk. The library requests copies of past exams but only adds to the file copies of those sent to the department by individual professors. If an old exam from a class you are currently taking is not on file, you might ask the professor to consider placing it on file at the circulation desk....MR

Lost Copy Cards: Please turn in copy cards left in the photocopiers at the circulation desk. Periodically, a list of legible signatures on cards returned to the desk is posted by the lobby copy machines. If your signature indicates you should have attended medical school and you've lost your copy card, check at the circulation desk just in case....MR

Swem Library Book Returns: Law library staff members do not return books checked out by students to Swem Library. It is the responsibility of students to return their Swem library materials. Please do not request library staff to check in and return your Swem materials....MR

Custom Copy Cards: The Marshall-Wythe Law Library custom copy cards are scheduled to arrive after exams. If all goes as planned, they will go on sale in January....MR

Copy Card Readers: Remember to look for the "Hello" signal on all copy card boxes before entering your card. When a card is entered into a box where a previous card has not been removed, both cards will jam in the box. The jam often deletes copies on both cards and requires that circulation staff be called to remove the cards...MR

ONLINE FOCUS

Federal Legislative Information Online
Marshall-Wythe faculty and students have access to Federal statutory material in a variety of formats. The library has annotated and unannotated codes. We keep the bound texts of the codes, while the federal bills and congressional documents are on microfiche. The Library's patrons may also choose from several online databases to search for federal statutory material.

LEXIS and WESTLAW both have versions of the U.S. Code online. Online databases provide several advantages to searching for statutory material. The full text search capability enables a person to retrieve every section of the code containing a desired word or combination of words. Also because LEXIS and WESTLAW both allow a researcher to interact with the system, after finding a relevant code section, the researcher can then use the features of the

database to locate cases, law review articles and other materials which interpret that section. There may be some who prefer the "old-fashioned" way of looking up code sections in the index and browsing through a group of related sections. Both LEXIS and WESTLAW provide browse commands which allow a researcher to look at preceding and following sections. What follows is a description of using LEXIS and WESTLAW to locate statutory material.

Codification of Federal Statutes

A codified version of the federal laws consists of all the statutes currently in force. A code arranges the laws by subject and divides the subjects into titles and parts.

The Government Printing Office compiles a new edition of the official United States Code every six years and supplements it annually. WESTLAW contains the complete version of the United States Code in its USC File. Lawyers' Cooperative Publishing Company publishes the United States Code Service. LEXIS contains the full text of this version of the code in its Genfed Library and USCS File. Both WESTLAW and LEXIS combine the information found in supplements and pocket parts with the information from the main volume, so the text for each section is found in one online document.

Finding Federal Statutes

Both LEXIS and WESTLAW make it easy to locate a particular section of the code if the researcher knows the citation. On LEXIS the researcher enters the command "Lexstat" and the citation of the code section he or she wants to find. For instance, if you need to find 26 USCS 60 your search would look like this:

LEXSTAT 26 USCS 60

WESTLAW uses the "Find" (or "FI") command to accomplish the same thing. Therefore, the search on WESTLAW would look like this:

FI 16 USC 60

To find a specific subsection on WESTLAW you must use the "LOCATE" (or "LO") command. Therefore, once you have retrieved the section you want using the "FIND" command, enter the following to locate subsection (b):

LO B

Field searching when you have specific information about the statute

When you already know some information about the statute you are looking for, searching only the particular field where that information can be found will save you time and money. Both LEXIS and WESTLAW allow you to limit your search to fields.

The USCS File on LEXIS includes the fields (segments) HEADING, CITE, SECTION, TEXT, and HISTORY. For example, if you know that in 1987 Congress passed an act with the word medicare in the title your search on LEXIS might look like this:

HEADING (MEDICARE) AND DATE = 1987

The fields in the USC File on WESTLAW include CAPTION, CITATION, END, PRELIM, and TEXT. The same search on WESTLAW, therefore, would look like this:

PR(MEDICARE) AND DATE(IS 1987)

Searching for statutes on a particular topic

Online databases are not an appropriate starting point for your statutory research when all you have is a statement of facts or an issue. At this early stage, the indexes to the codes are the traditional approach. Online searching is very ineffective if you are not exactly sure what you are looking for.

Browsing and updating Federal Statutory Research

Codes are arranged by subject. Therefore, if you find a relevant section, it is usually worthwhile to browse through adjacent sections. Both LEXIS and WESTLAW allow you to browse through sections preceding and succeeding the section you retrieved by your search. On LEXIS, statute browsing begins by transmitting "B" while you are viewing a code section. When you press the "NEXT DOC" key or the "PREV DOC" key, you will move ahead or back one section. Within each section you can go page forward or page back in the usual manner. WESTLAW uses the command "D" or "Documents in Sequence" to browse adjacent sections.

It is important for the researcher to remember that versions of the codes online are current only through the latest supplement or pocket part. The researcher must update the results of a search to find out if Congress amended the statute after the pocket part was printed. After finding the relevant code section on WESTLAW, the researcher would enter the UPDATE command to retrieve session laws that amend or repeal the original section. On LEXIS the ALS File (Advanced Legislative Service) contains the session laws amending the current code. A code section that has been changed will alert the researcher to this fact in the STATUS segment with a reference to the ALS File.

A typical note might be:

"STATUS: AMENDED SEE 1989 USCS ALS 103"

The researcher can then use the LEXSEE command to retrieve the full text of the recent legislation.

Conclusion

Online databases can be very useful when looking for federal statutory material. If while researching case law online, you see a cite to a code section, it is very easy to jump to that section, read the statutory language, and resume reading your case. You also have the power of searching the full text of statutory language for a particular word or combination of words. There are also related files online for searching legislative history, proposed legislation, and court rules.

If you want additional information on searching federal statutory material online, refer to the following new publications in the library:

Carrick, Kathleen M. LEXIS: A Legal Research Manual. Dayton, Ohio : Mead Data Central, 1989. KF242 A1C37 1989

Shapiro, Fred R. LEXIS the Complete User's Guide. New York: St. Martin's Press, 1989. KF242 A1S5 1989

WESTLAW Reference Manual. 3d ed. St. Paul, Minn.: West Publishing Company, 1989. KF242 A1W482 1989....MGH

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