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The College of William and Mary
Marshall-Wythe Law Library



Volume 3, Number 6

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FROM THE EDITOR'S DESK

On Thursday, April 2, the librarians sponsored a seminar and reception for future summer associates concerned with research techniques necessary in their summer positions. "Basic training" for employment survival skills was well attended and hopefully provided students with numerous tips and resources which will help make their summer associate research assignments less stressful.

Each spring similar seminars will be offered, and feedback would be appreciated from those who attended when you return in the fall. Was the information presented helpful? Did you find the resources covered provided you with the basic knowledge necessary to accomplish required assignments? Let us know so we can structure future seminars to provide the most practical and informative matter for a more beneficial summer employment experience.

Even if you did not attend the seminar, but found there were resources you wish you had known of prior to your summer employment, let us know. Feedback will help us improve future programs. Such seminars are offered for your benefit, so student input is important.

Good luck with your summer employment from the library staff. ...MR

BITS AND BYTES

New LEXIS and WESTLAW Representatives. We have hired our student representatives for the 1992/93 school year. Brett Johnson will be returning as a WESTLAW representative. He will be joined next year by Nancy Delogu. Our LEXIS representatives will be Todd Pilot and John Einstman. Our student representatives receive extra training in online searching and are knowledgeable of both LEXIS and WESTLAW. In addition, they have experience with computer systems in general. Our student representatives are dedicated to providing M-W students with the training they need to search online sources effectively. If you have ideas on how we can improve training or on topics for training classes, please see one of the representatives or Mary Grace Hune in the Reference Department.

LEXIS and WESTLAW Passwords. On May 30, LEXIS and WESTLAW will deactivate passwords for the summer. If you are a member of law review or moot court, a faculty research assistant, or plan to attend summer school, you may request that your password capabilities continue through the summer. To keep your passwords active you need to submit a form to Mead Data Central and West Services by May 15. The forms are available in the LEXIS and WESTLAW student carrels on the second floor of the Library. ...MGH

THE FINER POINTS -- COST EFFECTIVE RESEARCH

The ability to find information necessary to answer legal questions is the most basic skill a lawyer possesses. A lawyer cannot analyze the law or give advice about the law, if he/she cannot **find** the law. Yet the fact is clients do not want to pay for time taken to find the law. Most clients assume their lawyer memorized all the law while in law school and can quote it at a moment's notice. As a new lawyer entering practice, however, you will need to supplement that education with research on the points of law essential to represent your clients' interests adequately. How can you conduct this research without having to bill your client for excessive time spent in the library?

You may find it necessary to occasionally disguise research on your time sheets by using euphemistic phrases to record it. The better approach, however, is to develop techniques you can use to save time when performing research. By using the methods outlined you can impress your partners with your time management skills.

Develop a Research Plan

The best way to save time in the library is to know what information you need before you get there. Taking the time to write out a research plan can help you find the information you need in the shortest time possible. You may decide upon an appropriate research strategy as your needs dictate. Your approach may be to start with a legal encyclopedia or treatise. You may decide that because of time constraints you need to go right to the code. You may want to consult a librarian to help plan your research strategy. Remember that a research plan can save you hours of wasted research time.

Find Someone Who Has Done (Or Will Do) the Work for You

Delegating a research task to someone with a lower billable rate will save the client money. Similarly, locating the work completed by someone else will shorten the research time. The secret to making this tip work is to think of "People" as information resources.

To learn whether someone has done the research already, first check the resources within your firm. Find out whether your firm maintains a brief and memo bank. If they do, you may find a memo covering the same legal issues. Updating the law cited in the memo takes considerably less time than starting from scratch. Ask whether your firm has a legislative librarian. If the answer is yes, your firm may keep compiled legislative histories.

Manage expensive online time efficiently. The customer service representatives at LEXIS and WESTLAW are available to assist you with your online research. These representatives will formulate queries and run them against the databases. Once they have perfected the search, they will call to advise you of their success in locating the type of information you need. You can then run the identical search and retrieve the documents for analysis. Use their proficiency in database searching. You can then spend your billable time analyzing the retrieved documents. An added bonus is you also save the client excessive online costs.

Occasionally, your research question may require the compilation of legal documents such as legislative history materials or case and statutory authority from all fifty states. Before going online or to the nearest large law library, find out if someone has compiled the information for you. The book, Sources of Compiled Legislative Histories by Nancy P. Johnson, lists research materials with compiled legislative documents on particular

statutes. The Union List of Legislative Histories is another list of legislative histories compiled and held by members of the Law Librarians' Society of the District of Columbia. If you locate a useful compilation, a librarian can help you obtain it. To locate compilations of state laws on a particular subject turn to Subject Compilations of State Laws by Cheryl Rae Nyberg. This bibliography lists compilations of state laws found in a variety of publications.

A topical looseleaf service is another type of compilation. These services reproduce the text from statutes, regulations, case decisions, and commentary on a topic into one multivolume source. Using a looseleaf service will save you the time of researching through multiple sources to locate legal authority. They include in-depth indexing and finding aids that make it easy to find the material you need. Most of the services also include introductory material on how to use the service effectively. To find out whether a looseleaf service is available on your topic consult Legal Looseleafs In Print.

Use Computerized Research Services Efficiently

When new lawyers think of research shortcuts, they usually think of computerized research, i.e. LEXIS and WESTLAW. Computerized research can save time when you know what you are doing and what you are looking for. While you may find the information you need very quickly, that information can be very expensive to the firm and to the client. Cost-effective use of computerized research requires that you think about your online research before running to the computer. In your research strategy, plan for how you will integrate online resources with traditional research methods.

You should choose to go online only when it is the preferable resource for the information

needed. Computerized resources are well suited when the research requires compiling similar types of information from multiple sources. One example is to locate statutory language as used in multiple state codes. Another effective use is to find news articles from several sources on a particular topic. Online resources are also preferred to gather information using access points not available in print sources. For instance, consider using online sources to locate decisions written by a certain judge. Sometimes online sources are less expensive than getting the information from a document delivery service or information broker. Finally, there are times when deadlines are pressing and a key piece of information is not readily available within your office. At those times, going online means getting the client's work done within the set time limits.

To insure you use online resources effectively, remember two points. First, stay abreast of materials available in computerized form. Second, include the online source in your research plan when it is the best available source for the information. If you are in doubt about how to use online sources effectively, check with a librarian.

Conclusion

The practice of law requires good time management skills. A lawyer needs to budget his/her time to focus on the effective representation of the client's interests. That representation may include research, analysis of legal issues, document preparation, and representation before a court. Research is an important aspect of representing your client. Clients, however, may not understand the value of good research. As a result, they may be unwilling to pay a fair price for time spent on research. Learn to manage your research time effectively. Only then, can you provide the competent representation your client needs at a cost he is willing to pay. ...MGH

JUDICIAL OPINIONS AREN'T ALWAYS UNIMAGINATIVE

Fisher v. Lowe, 333 N.W.2d 67 (Mich. App. 1983).

Action for damage to oak tree caused when defendant's automobile struck the tree. Trial court granted summary judgment for defendant and denied request for default judgment against automobile insurer. Plaintiff appealed.

J.H. Gillis, Judge.

We thought that we would never see
A suit to compensate a tree.

A suit whose claim in tort is prest
Upon a mangled tree's behest;

A tree whose battered trunk was prest
Against a Chevy's crumpled crest;

A tree that faces each new day
With bark and limb in disarray;

A tree that may forever bear
A lasting need for tender care.

Flora lovers though we three,
We must uphold the court's decree.

Affirmed.

West reinforces the decision's cadence with
rhyming headnotes and summary. ...MR

IN BRIEF

Library Lockers. Students currently using a library locker must remove all materials from the locker and return the key to the circulation staff no later than 5:00 p.m.,

Friday, May 8. Materials left in lockers after this date will be sent to the campus Property Control Department. Papers and notebooks will be discarded at the Circulation Department's discretion. Students will be assessed a replacement fee of \$10.00 for keys not returned by the due date.

Locker assignments do not automatically carry over from the spring semester to the summer session. Students taking classes or involved in research during the summer months may make arrangements for a locker by contacting Audrey Flock or Joan Pearlstein. ...AF

Reader/Printers

A 3M microfilm reader/printer and a 3M microfiche reader/printer recently have been repaired and made operable. Both machines are located in the Microforms Room and are available for student and faculty use. Like the other reader/printers, copies from these machines cost 10 cents each. ...ST

Building Lockup Hours During Exams

Beginning Friday, April 17, and extending through the exam period (Sunday, May 3) law students may remain in the building until 2:30 a.m. ...MR

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