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The College of William and Mary
Marshall-Wythe Law Library



Volume 6, Number 3

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FROM THE EDITOR'S DESK

With exams fast approaching I want to call your attention to the extended library hours. Beginning Sunday, November 27, the building will remain open until 2:30 a.m. each evening. Also, beginning Friday, December 2, access to the library is restricted to law faculty, students and staff and those needing to use library materials. Although studying in the library by non-law students is prohibited (quiet study areas on campus are provided by Dean Sadler), those needing to use our materials for legal research are allowed access. We understand this period can be highly stressful, but please remain polite to outside patrons using the library. You never know when an area judge might be using our facility to research a current case.

Speaking of exams, a number of old law examinations are available on reserve at the circulation desk. Students may access reserve exams by using the binder called "List of Sample Exams." The binder is located on the spin file at the circulation desk. Examinations are placed on reserve at the request of individual faculty. If you do not see old exams for a class you are taking, ask your professor if they would place prior exams on reserve at the circulation desk. They may do so by sending a copy of the exam(s) to one of the circulation supervisors.

Good luck on exams!

...MWR

THE IMPORTANCE OF LEGAL RESEARCH SKILLS IN PREPARING FOR A LEGAL CAREER

Marshall-Wythe has earned credit for its innovative and highly successful legal skills program. For over five years, elements of the law school curriculum dealing with 'how to be a lawyer' have been joined in the legal skills program. The components are listed as: history and structure of the legal profession, legal ethics, legal research and writing, document preparation, interviewing and counseling, negotiation, ADR, and an introduction to trial and appellate practice.

Our interest in lawyering skills is a result of the School's long and distinguished history as a representative of the 'Virginia School' of legal education. As distinguished from the narrowly practical model spawned by Dean Langdell and the case method, Marshall-Wythe and the University of Virginia have represented a broader objective for legal education than mere intellectual preparation for law practice. Since its inception as a Department of Law and Police . . . in the sense of public policy . . . we have had an interest in preparing the sort of lawyer-statesmen whose disappearance is popularly lamented.¹

An early document about George Wythe's program states:

"Our new institution at the college has had a success which has gained it universal applause. Wythe's school is numerous. They hold weekly courts and assemblies in the capitol, the professors join in it; and the young men dispute with elegance, method & learning. This

single school by throwing from time to time new hands well principled and well informed into the legislature will be of infinite value." [Jefferson letter to James Madison, July, 1780. Jeff. Acc. No. 85-25, Swem, emphasis added]

As a part of its report on "Legal Education and Professional Development", [see KF272/A43/1993] the Task Force of Law Schools and the Profession (The MacCrate Commission) provided a statement of the fundamental lawyering skills and professional values needed. The fundamental lawyering skills are: problem solving, legal analysis and reasoning, legal research, factual investigation, communication, counseling, negotiation, litigation and ADR procedures, organization and management of legal work, and recognizing and resolving ethical dilemmas. The fundamental values of the profession include; provision of competent representation; striving to promote justice, fairness, and morality; striving to improve the profession; and professional self-development. Our program nicely anticipates this 2 year old prescription.

In MacCrate terms, legal research skill includes both the reasoning ability to identify the issues that will govern resolution of a problem and the knowledge of the primary and secondary sources of law required to devise and execute an effective legal research strategy. The MacCrate Report's commentary on legal research skill states: This statement employs a broad definition of the range of knowledge and skills required for legal research. It recognizes that a prerequisite for effective research is an understanding of the nature of legal remedies and the processes for seeking these remedies. It treats legal research as far more than a mechanical examination of texts; the formulation and implementation of a research design are analyzed as processes which require a number of complex conceptual skills."²

As proponents of the value of legal research, we urge that the importance of legal research be reflected in your list of lawyering skills you are developing. Please feel free to consult the

reference librarians in our roles as research consultants. ...WLC

¹ see Kronman, The Lost Lawyer; Belknap Press, Cambridge, MA, 1993. Yale Prof. Anthony Kronman's best seller, includes an invitation to re-vitalize the ideal lawyer-statesman role, to prepare a generation of lawyers who are able and inclined to exercise principled leadership in political and policy circles, exercising the statesman-like judgment of such recent lights as Dean Acheson or John McCloy, by way of Abraham Lincoln, to the generation including Jefferson, Madison and Marshall whose legal careers arose under the tutelage of George Wythe.

² at 163.

REFERENCE QUESTIONS AND ANSWERS

- Q. How do I find Section 22 of the Agricultural Adjustment Act?
- A. Consult the Popular Name Table in United States Code Service (U.S.C.S.). Under Agricultural Adjustment Act, the first entry reads: May 12, 1933, ch. 25, 48 Stat. 31, 7 USCS §§601-605, 607-623. Numerous other entries follow. Locate the U.S.C.S. Tables volume that contains Statutes at Large to 1964. Turn to May 12, 1933 and follow the columns to find Public Law chapter 25. Then locate § 22, which indicates that section is codified at 7 U.S.C.S. § 624.

An alternate method of locating this same information or verifying the accuracy of the first method is to search WESTLAW. Use journal articles to see how other authors have cited this section. Select TP-ALL as the database and enter the search "*agricultural adjustment act*" /s "section 22". When the results are displayed, select an article that discusses the area you are researching. For this example, the Hamline Law Review article, "GATT, Agriculture, and Developing Countries" was used. In the TERM mode, find where your search terms appear and note the footnote following it.

For example, "Section 22 of the Agricultural Adjustment Act reflected this policy." [FN291] Then use the LOCATE command to move to the cited material at that footnote. Using the [FN291] example, type: *LOC [FN291]*. Displayed will be the following footnote: [FN291] 7 U.S.C. § 624 (1988). See generally Rex J. Zedalis, *Agricultural Trade and Section 22*, 31 Drake L. Rev. 587 (1982). So, in addition to verifying the citation, you were rewarded with an article discussing this section of the act. ...ST

- Q. How do I find the British Law of Prizes of War during the 18th Century, when my fictional hero, Jack Aubrey sailed the seas. An article refers to it as 22 Geo. II, c. 3.
- A. The reference is to a law from the 22nd year of George II's reign found in chapter 3 of the statutes from that year. Pickering's Statutes of Great Britain [KD130/1225A], a compilation of early English statutes, is arranged chronologically. Volume 19 covers the 20th - 22nd years of the reign of George II. Chapter three in the 22nd year is indeed about naval prizes.

Earlier British statutes can be found in the nine volume compilation of Statutes of the Realm [KD132/1810A], covering the period 1235 - 1713. Plan to spend some time finding early statutes; the finding aids and indexing are not as flexible as we are used to now. ...WLC

IN BRIEF

Thanksgiving Hours. Wed., Nov. 23, closed at noon; Thurs., Nov. 24, closed; Fri., Nov. 25, 9:00 a.m. - 3:00 p.m.; Sat., Nov. 26, 10:00 a.m. - 11:00 p.m. (no circulation services); Sun., Nov. 27, 8:30 a.m. - 11 p.m.

Extended Library Hours During Exams. Beginning Sunday, November 27, and extending

through the examination period (Tuesday, December 20) law students may remain in the building until 2:30 a.m. From Wednesday, December 21 through Saturday, January 7, the Library will be on interim hours. The Library schedule for the week the College is closed will be posted in mid-December. ...MR

Restricted Library Access. From Friday, December 2, at 5:00 p.m. through Wednesday, December 21, at 5:00 p.m. **Law Library access is limited** to Marshall-Wythe law faculty, students, staff, and others who require the use of Law Library materials for research purposes. ...MR

Exam Period Typing Carrel Usage. There are six typing carrels which students may use for study purposes. A sign-up schedule for these carrels is available at the Circulation Desk. Typing carrels and the two Student Conference/Video Viewing Rooms (rooms 244 & 245) may NOT be used for taking exams. ...AF

Library Lockers. THE DEADLINE FOR LOCKER CLEAN-OUT AND KEY RETURN IS WEDNESDAY, DECEMBER 21, 1994, BY 5:00 P.M. Lockers must be emptied and the locker key returned (with barcode and key tag attached) to the circulation desk. There is a \$10.00 replacement charge for keys not returned. Lockers will be available for the Spring semester on a first come first served basis on January 9, 1995. ...AF

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