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The College of William and Mary
Marshall-Wythe Law Library

Volume 6, Number 4

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FROM THE EDITOR'S DESK

Help perk Jordan up! For those who may not know, the "little gray person" who resides in front of the class handout shelves on evenings and Sundays we offer reference assistance, has a name. It's JORDAN, in honor of the child who acted as the model. The reference staff feels Jordan is rather drab and needs a "pick me up" during the long winter evenings.

If you check the bright yellow notice on the library bulletin board, you will see the "Clothe Jordan Contest" now in progress. Bring us a T-Shirt or sweatshirt in any of the five categories listed. Jordan will wear the winning (by drawing) jersey for at least a week. The winner in each category receives an "extraordinary" gift provided by local businesses and friends of Marshall-Wythe.

All Marshall-Wythe students, staff and faculty are eligible. Enter one or all categories. If you wish to have the jersey returned attached a card to your entry with your name, 'phone number, and text of the shirt.

Remember -- your chance of winning depends upon the number of entries, so get your entry in early. Address contest questions to Bill Cooper - "keeper of the entries". ...MWR

THE MARSHALL-WYTHE GOPHER

The Marshall-Wythe Law School and Library have space on the William & Mary gopher system called WAMI (William And Mary Information). To access law library information, you must first log into the campus gopher system through ProComm. After entering your ID and password, type "gopher" at the prompt. (More detailed instructions are available from the lab consultants).

Once you reach WAMI, you will notice an entry labelled '*Marshall-Wythe School of Law*'. Selecting this entry leads to a great deal of information about the Law School. The subsection labelled '*Marshall-Wythe Law Library*', is where we're headed.

The Marshall-Wythe Law Library Gopher. The library maintains information about itself, its services, its hours (including holiday hours as holidays approach), and an excellent guide to locally-held self-help legal resources. We also maintain several lists of links to other gopher sites, including federal sites and other law schools, such as UVA and Washington & Lee, as well as departmental information on selected law libraries.

There is also a potpourri of additional links, grouped under the heading '*Law Related Documents and Other Interesting Stuff*'. This is a gathering place for intriguing or useful links which don't fit into any of the previous headings. As more and more gopher sites come online or become frequently referenced, this section will grow and shrink, and new subsections will be created.

The '*Federal Gopher Resources*' link includes the Department of Justice gopher, the two Congressional gophers, the White House gopher, a site with the U.S. Supreme Court

rulings, and a link to a site with a much more comprehensive listing of governmental gophers (more than 150 distinct sites).

As an example of a federal site, let's take a quick tour of a part of the 'U.S. House of Representatives Gopher'. Select 'Federal Gopher Resources' in the library's site list, highlight the House gopher link and press enter. We are presented with a menu, which includes the option called 'Legislative Resources'. Peeking into that sub-menu, we find information on various House & Joint Committee actions. Another link labelled 'Bills', leads to links that allow you to search bills passed by the 103rd Congress by any word or word combinations. It is not a good idea to search on common words or phrases, although major ideas (such as Agriculture) or the actual bill number (H. R. 1319) will yield usable results.

The Marshall-Wythe Law School Gopher. This list includes many useful (and central) gopher sites, such as *Cornell* (which itself is a wonderful gateway to other legal resources).

Again, as an example of such a site, let's take a quick tour of the Cornell law gopher. From the law school's menu, select 'Marshall-Wythe Internet Resources' then 'Law School Gopher Servers'. (As we look through menus, take note of additional resources accessible from our own set of law-related links). After selecting 'Cornell', the menu lists a number of useful links, including two sub-menus for U.S. law primary documents and foreign and international law primary documents. Peeking into the 'U.S. Law Primary Documents' section, one can find information on copyright, patent, trademark, and commercial law. Notice information on laws regarding Internet and Computer Use.

As you explore the Internet and see a gopher link you think we should add to the Marshall-Wythe Law School or Library gopher list, feel free to mail the information to Mike Phillips, the data manager. The fastest way of doing this is to look at the link information from the gopher menu and when the arrow is next to the link you want, press '=' , then press 'm' to mail the link information to: msphil@mail.wm.edu.

Watch the bulletin board in the computer lab and across from the circulation desk for information on gopher classes. Feel free to contact Mary Grace Hune (x11840) or Mike Phillips (x13476) for additional information or help.

Have fun gophering!

...MSP

RARE BOOK QUOTE

Attorney's Oath, from The Attorney's Academy by Thomas Powell, 1630

You shall do no falshood, nor cause any to be done ...

You shall delay no man for lucre or malice; nor shall increase any fees, but be content with the old fees accustomed ...

You shall not wittingly sue, or procure to be sued any false suite, or give any aye or consent to the same, on paine to bee expulsed the Court for ever:

And further, you shall beare your selfe honestly & uprightly in the Office of an Attourney of the Court, according to your best Learning and Discretion, and as a good Conscience bindeth you.

Submitted by Jennifer Hoh

AUSTRALIAN LEGAL RESEARCH AT MARSHALL-WYTHE

With the increasing concentration on the economic growth around the Pacific Rim, many American business firms are seeking strategic alliances with Australian businesses. The Australians' long standing relations with many of the Pacific Rim countries are invaluable to doing business there. For this reason, there appears to be a growing interest in the ways and means of Australian Legal Research.

Many researchers start with the popular guide by Endi Campbell, E. J. Glasson, and Ann Lahore, *Legal Research Materials and Methods*,

2d ed., Sydney: Law Book Company Ltd., 1979 [KTA100/C35/1979]. This work provides an overview of the research materials available and a general introduction to the Australian legal system.

Another good introduction to the legal system of Australia is available in *Modern Legal Systems Cyclopedia*, rev. ed., Kenneth Redden, ed. Buffalo: William S. Hein, 1989 [Ref./K530/M62].

The Australian court structure is similar to the courts in the United States. The judicial power of the Commonwealth is vested in the High Court of Australia, analogous in several ways to the U. S. Supreme Court. Under a variety of statutes, the Federal Court of Australia has original jurisdiction of such subject matter as income tax, trade practice, and industrial property. The Federal Court has appellate jurisdiction over state cases involving federal jurisdiction (other than full courts of state supreme courts, analogous to full panel opinions from many U. S. state intermediate appellate courts, from which the appeal is directly to the High Court). In 1975 the possibility of appeal from the High Court to the British Privy Council was practically abolished.

The State Courts. Each state or territory has a supreme court and such subordinate courts as county courts, district courts, courts of petty sessions or magistrates courts (depending on the state or territory) and specialized courts such as courts of maritime enquiry, licensing courts, coroners' courts and industrial courts. Under recent national legislation there is a Family Court that deals specially with, er, family law. Appeals from the state courts of last resort to the High Court are by leave granted unless there is a specific statutory right of appeal.

The relationship between Australian and British precedent is closer than that between the U.S. and Great Britain; Australians were subject to the British Parliament until the Australia Act was adopted in 1986. This Act formally severed constitutional links between Australia and the United Kingdom.

Australian Case Reporters. The primary Australian case law resource in our collection is the *Commonwealth Law Reports* [cited C.L.R.]. These reports run from 1903 and contain the reports of the High Court of Australia and speeches and other commemorations occurring in this court.

We also have a partial set of the *Australian Law Journal Reports*, [A.L.J.R.] beginning with Vol. 48. This set is published as a separate section of the *Australian Law Journal*, which reports the decisions of the High Court and such of the decisions of the British Privy Council as directly affect Australia. Volumes 51 - 61 of A.L.J.R. are bound and kept on the ground level of the library with other Australian court reporters. Volumes 48 - 50 and 61 to the present are bound with the *Australian Law Journal* a periodical kept with serials on the second floor. The current year's issues are in the reference area, with other current serials.

Finally, we maintain the *Federal Court Reports* [F.C.R.] which began publication in 1984. This set includes decisions of the Industrial Court (something like the N.L.R.B.), the Federal Court of Bankruptcy, the Trade Practices Tribunal, the Copyright Tribunal, and the decisions of State Supreme Courts exercising federal jurisdiction. The F.C.R. is an alternative to the original *Federal Law Reports* [F.L.R.] which began publication at the time the Federal Court of Australia was created in 1956.

The other major national case reporter is the *Australian Law Reports* [A.L.R.], successor to the *Argus Law Reports*, reporting the decisions of the High Court and the Privy Council, and the decisions of State Supreme Courts exercising federal jurisdiction.

The states and territories of Australia have their own case reporters, usually reporting only the decisions of the highest courts and sometimes intermediate courts as well. Frequently the state court reports are segmented into such divisions as: common law, equity, divorce, probate, bankruptcy, mining, and admiralty. After an on-line search of catalogs of several other law libraries in the United States, it

appears that these cases are not widely held in American law libraries.

Australian Case Law Online. In LEXIS you will find Australian cases in the INTLAW library, and the AUCAS file of that library; also in the AUST library, and its CASES file; and in the COMCAS library's AUST file.

Lexis' contents are limited, though to the following: head notes of *Capital Territory Reports* from 1973; head notes of *Northern Territory Reports* from 1979; and head notes from *Australia Law Reports* from May 1980.

Lexis has the full text of *Australian Law Reports* from 1973 - 1980. (High Court and Federal Court of Australia). Copyright difficulties ended the full text alternative in May, 1980.

Westlaw has no Australian legal resources.

Case Finding. One of the difficulties in finding Australian judicial opinions is that various reporters can include opinions from the High Court and, were you to have a cite to a reporter series we do not have, there is no direct way to "Shepardize" the case to identify the parallel cite. However, *The Australian Digest* contains a table of cases covering the period up to 1988 which is updated by the annual supplements. With some backing and forthing, you may be able to find the cite to the F.C.R. or C.L.R. version of the opinion you seek. The *Digest* also includes a table of legal abbreviations, which includes the abbreviations for various state and local courts and for administrative tribunals which may not be listed in *Bieber's Dictionary of Legal Abbreviations*. Also, each supplement to the *Digest* lists cases construing particular Australian statutes, during the period covered by the volume, giving something of an 'Annotated Code' flexibility, to find judicial interpretations of particular statutes. The *Digest* portion of the *Digest* is organized by common law subject, following a scheme that is set out in the beginning of volume 49 of the main set.

Legislation. *Acts of the Parliament of the Commonwealth of Australia* functions much as the *U.S. Statutes at Large* or sessions laws from

individual states. There are tables listing all acts for the particular year and also acts coming into effect during the year or as the result of proclamations published during the year.

While there is no code of Australian laws, as such, there is a compilation of statutes enacted from the early 20th century until 1973, supplemented by the annual *Acts of Parliament* discussed above which meets some of the need. There are several Consolidated Acts which gather various individual statutes in a general subject area into one act, somewhat similar to the gathering of related statutes into a single title of the *United States Code*.

In addition to the bound volumes of *Acts*, we have microfiche of each year's sessions laws, kept in the microform room off the main lobby.

In order to find specific treatises and articles, the First Search database and the traditional resources for finding journal articles will provide some help. To identify treatises that may not be held in any of the accessible libraries here, however, you may wish to connect to the Internet through the William & Mary Information server (WAMI). Select Worldwide Internet Services; Other Gopher & Information Servers; Pacific. Then search the library catalogs of such institutions as the Australian National University, the University of Sydney, and Victoria University of Wellington (New Zealand). ...WLC

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