

College of William & Mary Law School
William & Mary Law School Scholarship Repository

Library Newsletter

The Wolf Law Library

1995

Law Library Briefs, Vol. 7, No. 3 (November, 1995)

William & Mary Law Library

Repository Citation

William & Mary Law Library, "Law Library Briefs, Vol. 7, No. 3 (November, 1995)" (1995). *Library Newsletter*. 42.
<https://scholarship.law.wm.edu/libnewsletter/42>

Copyright c 1995 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
<https://scholarship.law.wm.edu/libnewsletter>



LAW LIBRARY BRIEFS



The College of William and Mary
Marshall-Wythe Law Library

Volume 7, Number 3

November, 1995

CONTENTS

FEDERAL ADMINISTRATIVE

LAW RESEARCH	1-3
IN BRIEF	3-4
LIBRARY HALLOWEEN GAME	4
THE LOAN ARRANGER	
RIDES AGAIN	4
BITS & BYTES	5

FEDERAL ADMINISTRATIVE LAW RESEARCH

This guide to Federal Administrative Law Research is intended to assist users of the Marshall-Wythe library, lawyers, law students, and non-lawyers, in the process of locating regulations issued by the federal government, to implement and enforce the statutory laws of the United States. The regulations of the administrative agencies of the State of Virginia are expected to be published in one complete administrative code of Virginia late in 1995.

When one thinks of finding "laws", one usually is thinking of finding statutes; that is, "laws" enacted by the legislature. You should note, though, that most of the research you will perform will include a search for the regulations by which the laws are carried into effect. The President, the executive departments, and many independent agencies of government speak to the governed through regulations.

Tens of thousands of pages of regulatory material are issued each year, published in the daily Federal Register in chronological order. Each year, all current regulations are

recompiled in subject order in a multi-volume set called the Code of Federal Regulations or "CFR". The titles of the CFR follow the titles to the United States Code, in which the statutes are compiled in subject order.

There is a wide variety of regulations that govern everyday activity of most of us. For example, tax payments, pension entitlement, wage and hour entitlement, and workplace safety involve complex regulations which must be consulted if you wish to know how to follow the legal requirements. The labels on the food we purchase and the rates we pay for cable television are regulated in various ways by the Federal government. For businesses and individuals providing services, and every manner or means of conduct that has anything to do with communications, aerial navigation, shipping, and sales of goods or services to the government are closely regulated by the Federal government.

Even once you have found a particular regulation, you will still need to update your research to be sure that you have the version of the regulation that is currently in force. If you need to find the regulation as it was in force at a particular time in the past, if the activity took place at an earlier time, and the question was what was required by the regulation then, you have a different research problem.

As sometimes happens, even with the regulation staring you in the face, what it means and how it applies to your situation may not be entirely obvious. Courts and scholars of the law frequently comment on new regulations or regulations which create heavy burdens for specific businesses. We will discuss a variety of means to locate such discussion of the

meaning or proper application of specific regulations.

There is also a section for locating the background of the regulation, to find what the agency or others responsible for preparing a regulation intended to accomplish.

Finally, there will be a brief discussion of means to locate decisions of administrative agencies adjudicating specific disputes between the agency and the individuals or corporate entities regulated by the agency.

Strategies for Finding Regulations

1. One of the most efficient ways to find regulations is if you know the statutory law under which the regulation was promulgated. Tables in the CFR finding aids volume of the U.S. Code Service and in the index volume to the CFR set will show which CFR parts or sections have been promulgated under the authority of a particular federal statute.

2. If you don't know the statute but do know the agency, there is a complete listing of all agencies, departments, bureaus, offices and other divisions of the government in the index volume to the CFR, which shows where their regulations are to be found. The title or titles of the CFR volume in which a particular agency promulgates its regulations will have a table of contents that permits fairly reliable location of each type of regulation for which the agency is responsible.

3. Indices: The Code of Federal Regulations has an index which some find frustrating to use, but which will give you a reasonably accurate direction to the regulations, in the fortuitous circumstance that you happen to choose words that the indexers use to describe your subject. There are also commercially prepared indices to the CFR which permit location of a regulation according to words one would normally use, with a bit more variety than the official index. Similarly, there are monthly, and annual indices to the daily Federal Register, and there is a

commercially prepared index to the Federal Register which is user friendly.

4. The Looseleaf/Newsletter option: Looseleaf services arose as the result of the pace and extent of change of federal regulations. In several of the most heavily regulated areas, such as taxation, employment law, workplace safety, government contracting, and the Congress, one or more looseleaf services are available that will provide practical access to the regulations, good explanations of how they apply, and extracts or even the full text of court interpretations of the regulations.

5. A last option that should be mentioned is to use the commercial online databases or the Internet to search out references to regulations, in the proper files or Internet sites. The terms and conditions of access to these resources vary. If you are not a full-time student in the Law School or a faculty member, our contract does not permit use of the online resources or Internet. If you are entitled to use these resources, you should discuss your search problem with a reference librarian or a student assistant representing the vendor, to select the most suitable library and file for your inquiry.

Updating Regulations

1. The List of Sections Affected is a publication that is shelved immediately following the CFR in our collection. Known as the LSA, this tool lists each change or proposed change to regulations in the CFR by Title and Part or Section number, showing the page of the Federal Register where the change or proposed change is discussed. At the end of the LSA volume, there is a table showing the dates of the Federal Register containing specific page numbers. Since the inclusive pages of each issue of the Register are now shown on the spine or on the cover, it can save quite a bit of time to determine the specific date of the F.R. you need to consult.

2. Each daily issue of the Federal Register also has a LSA section at the end, showing the

sections affected so far that month, on a cumulative basis. That is, the issue for the 10th of the month lists all changes from the first through the 10th. If the most recent monthly LSA is for a date more than one month ago, you should look up the title and section of the regulation you are interested in for the last day of each month following the monthly LSA AND consult the most recent date of the Federal Register for the current month. If there is still doubt, of course, you can also telephone the administrative agency to make certain the regulation you have is current.

3. There is a retrospective List of Sections Affected in each volume of CFR, and an earlier bound set of lists of sections affected, that show what has become of earlier regulations which may have been renumbered, or modified at various times in various ways. These are invaluable if you are tracking a former regulation that is no longer "where it belongs" in the CFR.

4. Online and looseleaf: electronic and looseleaf materials have the advantage of being updated more frequently than the CFR. With very current material, sources that update weekly like the CCH tax publications can bring you very nearly up to date, limiting the amount of LSA use you should perform. We have a few compact disk resources that will contain regulatory materials on a less current basis. Also, the commercial online resources have regulatory material on a very current basis; the terms and conditions of access to these resources vary. If you are not a full-time student in the Law School or a faculty member, our contract does not permit use of the online resources

Background and Interpretation of Regulations

1. Source: In the CFR, as in the Federal Register, there will be an indication of the statute or statutes under which the particular regulation has been promulgated.

2. Shepard's CFR Citorator: The primary means to locate judicial interpretation, evaluation, analysis, and even rejection of regulations

3. Commentary in legal periodicals: Shepard's CFR Citations and subject searches in the indices to legal periodicals will help locate appropriate commentary.

Decisions of Administrative Tribunals

1. Looseleaf services: Many of the heavily regulated areas justify the colossal efforts of such reportorial/analytical publishers as Commerce Clearing House, now CCH, and the Bureau of National Affairs. The commentaries and regulation monitoring services are often augmented with case finding tools which reach both the opinions of courts of general jurisdiction and the in-house tribunals set up by the ABA in which many agencies resolve compliance disputes.

2. Official "digests": Some administrative tribunals officially publish a digest of their opinions, typically organized by the sections of the statutes which the agency administers.

...WLC

IN BRIEF

Thanksgiving Hours. The law school building will be closed on Thursday, November 23, for Thanksgiving. The circulation desk will be staffed on a reduced schedule on the Friday, Saturday and Sunday of the holiday weekend, depending upon the availability of staff and students to work. Please check the library bulletin board for the desk hours.

Extended Library Hours During Exams. Beginning Sunday, November 26, and extending through the examination period (Tuesday, December 19) law students may remain in the building until 2:30 a.m. From Wednesday,

December 20, through Saturday, January 6, the Library will be on interim hours. The Library desk schedule for the week the College is closed will be posted on the library bulletin board in mid-December.

Restricted Library Access. From Friday, December 1, at 5:00 p.m. until Wednesday, December 20, at 5:00 p.m. **Law Library access is limited** to Marshall-Wythe law students *and others who require the use of Law Library materials for research purposes.*

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. Please remember the typing carrels and two Student Conference/Video Viewing Rooms (rooms 244 & 245) may not be used for taking exams.

Library Lockers. THE DEADLINE FOR LOCKER CLEAN-OUT AND KEY RETURN IS WEDNESDAY, DECEMBER 20, 1995, BY 5:00 P.M. Please empty your locker and return the key (with barcode and key tag attached) to the circulation desk. A ten dollar replacement charge is assessed for keys not returned.

...MWR

LegalTrac CD-ROM. The InfoTrac/LegalTrac software was recently upgraded, and is now available on all three CD-ROM stations. In addition, the new software has more searching options. Please see a reference librarian for instructions on how to use the software.

...MSP

LIBRARY HALLOWEEN GAME

On October 31, the library sponsored a Halloween Puzzler featuring bad law and library puns, concept costuming and silly prizes. Different objects were matched with a list of law library materials including: A

thermometer for Interlibrary Loan (ILL), a bag of bones for Anatomy of a Murder, and a strange spinning batman for Prosser and Keeton on Torts (batman = Michael Keeton, get it?). Students guessing all (or almost all) correctly and those contributing their own bad law library puns were showered with prizes including a wind-up godzilla and miniature squirt guns. Several library staff came dressed as their favorite law library concept (a West Reporter, a Dumb "Terminalator", and a Netscape Web Browser). Petra Klemmack, Circulation Day Supervisor, promises more fun games and prizes for future law library activities. ...PSK

THE LOAN ARRANGER RIDES AGAIN

A note to all borrowers of interlibrary loan materials. When borrowing materials close to a holiday period, e.g. Thanksgiving or Spring Break, please take into account the time period you will be away. Interlibrary loan materials should ideally be returned before any vacation. Otherwise, they should be requested just before you leave so that you will have the opportunity to use them upon your return.

We must try to avoid books "gathering dust" in the interlibrary loan retrieval box or becoming considerably overdue during the holiday. Goodwill is important in our relationships with other libraries and, in order to keep this, we must endeavor to return materials on time to the best of our ability. ...JKP

Newsletter Contributors

Martha Rush, Editor

Bill Cooper
Mary Grace Hune
Petra Klemmack
Joan Pearlstein
Mike Phillips

Betta Labanish - Secretary

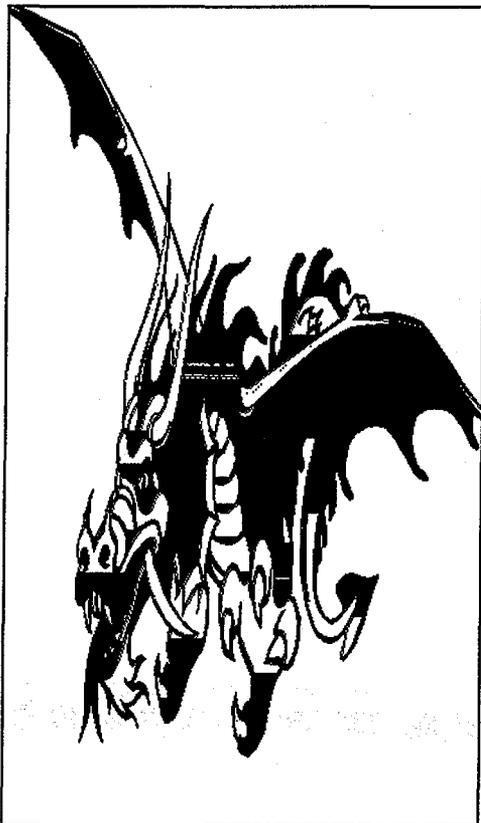
Bits & Bytes

Marshall-Wythe Law Library
Computer/AV Services

Computer Use Policy

We recognize the stress many of you will be under as exams approach. During this hectic time some of you may want to

r e l a x
w i t h a
l i t t l e
n o n -
a c a d e m i c
g a m e -
p l a y i n g .
W e a s k ,
h o w e v e r ,
t h a t
s t u d e n t s
n e e d i n g
p c ' s f o r
a c a d e m i c
u s e h a v e
p r i o r i t y
a c c e s s
o v e r
t h o s e
s t u d e n t s
i n v o l v e d
i n m o r e
" t r i v i a l



pursuits". The MWLL Computer/AV Services staff (Mary Grace Hune, Mike Phillips, and student consultants) may ask a student engaged in non-academic use of the lab's computers to exit the system and make the terminal available for students with academic needs for the computer.

In addition, students needing to print on the laser printers have priority to those terminals. Students may use these terminals for drafting if others do not need them for printing.

Lab Use During Exams

In conjunction with policies on Law Library use by non-law students during exams, the MWLL Computer Lab will be restricted to law student use only December 1 through December 20. Undergraduate and non-law graduate students may use the other campus computer labs during this time. Please let Computer Services or Library staff know if non-law students are working in the Computer Lab and we will them to leave.

CALI Computer Assisted Legal Instruction

As the panic of exam time hits, students begin scrambling for study aids. A study aid many of you may not know of is the CALI program found in the MWLL Computer Lab. CALI (Computer Assisted Legal Instruction) contains numerous interactive exercises designed to assist students in understanding and applying the legal principles they learn in their classes. The CALI collection includes exercises on Civil Procedure, Commercial Transactions, Contracts, Criminal Law, Employment Discrimination, Evidence, Federal Courts, Insurance, Labor, Professional Responsibility, Property, Torts, Trial Advocacy, Administrative Law, and Wills and Trusts.

To access the CALI exercises, from the PC-Lab Main Menu choose **M - Windows; A - Standard (or B - Experimental)**. CALI will appear on the Windows menu. Once you are in the program, you can see a description of any of the programs by first highlighting the name of the program and pressing **<F1>**. To access one of the exercises, highlight it on the menu bar and press **<Enter>**. At this point you can either run the program or copy it to a floppy disk to run on an IBM compatible computer at home. A Mac version is available on Reserve.

If you have any questions about CALI, please see one of the PC Lab consultants during their office hours or Mary Grace Hune in the Computer/AV Services Dept in Room 130.

...MGH