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The College of William and Mary
Marshall-Wythe Law Library

Volume 8, Number 5

March, 1997

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SPRING-BREAK CIRCULATION/REFERENCE HOURS

<u>CIRCULATION</u>	<u>REFERENCE</u>
FRIDAY, MARCH 7	FRIDAY, MARCH 7
7:30 a.m. - 7:00 p.m.	8:00 a.m. - 6:00 p.m.
SATURDAY, MARCH 8	SATURDAY, MARCH 8
9:00 a.m.- 7:00 p.m.	NO REFERENCE LIBRARIAN
SUNDAY, MARCH 9	SUNDAY, MARCH 9
10:00 a.m. - 11:00 p.m.	1:00 p.m. - 5:00 p.m.
MONDAY, MARCH 10 - THURSDAY, MARCH 13	MONDAY, MARCH 10 - THURSDAY, MARCH 13
8:00 a.m.- 11:00 p.m.	8:00 a.m. - 6:00 p.m.
FRIDAY, MARCH 14	FRIDAY, MARCH 14
8:00 a.m. - 7:00 p.m.	8:00 a.m. - 6:00 p.m.
SATURDAY, MARCH 15	SATURDAY, MARCH 15
9:00 a.m.- 7:00 p.m.	NO REFERENCE LIBRARIAN
SUNDAY, MARCH 16	SUNDAY, MARCH 16
10:00 a.m. - 11:00 p.m.	1:00 p.m. - 5:00 p.m.

MATCHMAKER, MATCHMAKER...

The Law Library "Matchmaking" game was well-attended and quite entertaining for most (dare we say all?) participants. Students, faculty and staff reveled in the bad puns, some going so far as to create their own. Favorite puns from the game included a Mr. Potato Head with only eyes as a "Sight-Tater" (Citator), the statue of liberty as a "Statute at Large" and a box of Pepperidge Farm Goldfish as "Microfiche". The winners were 1Ls Dave Lannetti and Sybil Smith who not only matched all 12 puzzles correctly, but also created their own bad puns. Their pun suggesting a small wind-up frog as a "Hop-athetical" will be retained in their permanent records and used against them if at all possible.

The Library also celebrated Valentine's Day by sending cards to all law students, faculty and staff. Remember, Your Library Loves You!

...PK

LEGAL RESEARCH ORIENTATION

This year, we have tried to offer Legal Skills II students a streamlined version of our traditional legal research orientation. As a sort of refresher course for the many of our readers who have gone beyond the second semester of their first year, and as a checklist for current L.S. II folks, we offer this extremely abbreviated version of the "Skills Tour".

I. ISSUE FORMATION

A. REVIEW AND ANALYSIS OF FACTS OF YOUR CASE

B. ISSUE IDENTIFICATION

- the Place, as it relates to Jurisdiction
- Parties, and the nature of their relationship
- Things involved

C. NOTE TAKING

- arrange the ideas and leads by issue
- move back and forth between refining the issue and sampling the law
- list the issue-specific terminology for later index searches and/or full text research
- record full citations to cases or statutes that may provide leads

D. INTRODUCTION TO LIBRARY LAB

- importance of learning to do research in print sources first
- how to begin
 1. define your information goal, what you hope to find
 2. general reading
 3. gathering terms and phrases
 4. determination of best source in which to begin research

II. SECONDARY RESOURCES

A. DEFINITION OF SECONDARY SOURCES

material "about the law"

B. REASONS FOR USING SECONDARY SOURCES

- present the "big picture" of the overall structure of primary authority
- help provide a systematic approach to sifting through the tangle of primary sources
- guide you to related relevant topics, some of which you may have overlooked or forgotten
- gathering citations to primary authority

C. NATIONAL ENCYCLOPEDIAS

- general, narrative discussion of state and federal legal issues
- arranged in systematic discussion

- attempts by the larger publishers to tie their products together
- either of the encyclopedias can be used as a VERY articulate index to the case finding tools of their respective publishers and refers to other secondary sources
- INDEX or TOPIC OUTLINE approach

D. TREATISES

- treatise is a scholarly treatment of particular area of law
- may be viewed as specialized, focused encyclopedias
- will have more extensive treatment than a general encyclopedia and in the case of the "leading treatises" will have a modicum of persuasive authority with the courts
- searching LION
 1. use "word" searches, e.g. (lawyer or attorney) and (negligence or malpractice), to identify "one good book"
 2. then use formal subject under which that book has been cataloged to find "every good book"

E. JOURNAL RESEARCH

- timeliness of journals
- different benefits of academic and practitioner oriented publications
 1. academic journals may be the most likely source for commentary on policy and history of contemporary legal issues and recent court opinions
 2. practitioners journals (usually Bar Association publications, sometimes commercial) are particularly useful for "how to do it" practical information and current state legislative information

F. UNIFORM LAWS ANNOTATED

- where it is available, using Westlaw (database = ULA) to research uniform laws for particular subject matter may be worthwhile, especially for some of the minor uniform laws that have been adopted in only a handful of jurisdictions
- a particularly important aspect of the ULA is IF the state with jurisdiction has adopted the uniform law in question, opinions by

other state courts which have adopted the same provision will be highly persuasive, although not binding on your court

G. RESTATEMENTS

- the American Law Institute was created in the late 19th century with hopes of regularizing and harmonizing the common law among the numerous state jurisdictions
- many Restatement provisions, such as those in the Restatement of Torts which moved from contributory negligence to comparative negligence standards, have catalyzed the evolution of common law doctrine among the states
- as with Uniform Laws, even in states which have not explicitly adopted a Restatement formulation, the explanation of a particular standard is often persuasive to a court, in the absence of binding authority in the jurisdiction

H. STATE ENCYCLOPEDIA

- similar to national encyclopedia, but on state level
- better source of citations to state statutes and cases
- depending on publisher, may be able to use similar terms as used in AmJur2d or C.J.S.
- good finding tool for finding "one good case" to enter the state's digest or for finding the most relevant statutory provisions

III. PRIMARY SOURCES IN GENERAL

- primary material is binding on the courts in the appropriate jurisdiction
- more "quotable" in legal documents

A. STATE STATUTES

- reflect on legislative process
- publication of state laws
 1. first appear in session laws, arranged chronologically
 2. then printed in code, arranged topically

3. stress that research will be done in the Code, not session laws

- state code
 1. index
 2. topical arrangement
- different arrangement and numbering in every state, even if publisher is the same
- critical to refer to pocket parts and other updating systems
- several sections of the code have very detailed annotations with 10's or sometimes 100's of different topics by which the annotations are arranged

B. STATE CASE LAW

- always look for cases that are similar in issue and in facts
- don't become overwhelmed with the number of cases
- benefit of having "one good case" as a point of access
- use topic and key number found in above "one good case" to find cases in digest on the same subject and key number
- use Descriptive Word Index

C. UPDATE and VALIDATION

- important to validate any case you are building upon
- don't want to waste valuable research time using overruled, reversed, or otherwise weakened case authority
- use citators to find additional cases with similar issues and/or facts

... WLC

MARTINDALE-HUBBELL -- NOT JUST A DIRECTORY

Most law students are familiar with the preeminent legal directory the Martindale-Hubbell Law Directory. However, many may not realize the wealth of additional information found within its pages. In fact, the directory has grown from one volume when first published in the 1860's to over 25 volumes in the 1996 edition. This expansion is not entirely

due to the increase in the number of attorneys listed (now more than 900,000); the publisher has augmented the directory with supplementary information of value to the legal profession.

In addition to the familiar practice profiles and professional biographies (including a category of attorneys registered to practice patent and trademark law), you'll find: a section on bar associations with brief histories, mission statements, key personnel and membership data; a corporate law department section, arranged alphabetically, giving company profiles, addresses and type of business; a law school section noting special course offerings and teaching staff of participating schools; and a services, suppliers and consultants section providing data on attorney support services.

Extremely beneficial information is included in the state law digest volumes of the directory. These short synopses of state law (including citations and, sometimes, local usage forms) can quickly help you locate state statutory law. Or, by using the Law Digest on LEXIS-NEXIS, you can search multiple state jurisdictions for analogous statutory law. These volumes include digests of U.S. copyright, patent & trademark law; selected uniform and model laws; and the ABA Model Rules of Professional Conduct and Code of Judicial Conduct.

Martindale-Hubbell has also expanded its international law coverage and publishes three volumes listing international lawyers in over 150 countries. These international volumes include law digests summarizing the law of various foreign jurisdictions, as well as the text of selected international conventions.

In 1996, Martindale-Hubbell initiated an Internet distribution service via <http://www.martindale.com>. Here you'll find the *Martindale-Hubbell Lawyer Locator* providing free access to up-to-date information on every attorney listed in the directory's database. The site even provides hypertext links

from listed attorneys to their firms' web sites or homepages.

In April 1997, Martindale-Hubbell plans to issue a one-volume dispute resolution directory providing state-by-state listings of attorneys in this area of practice, as well as detailed information on the dispute resolution process. This directory volume will be followed in May by a similar volume on international arbitration and dispute resolution.

Lastly, have you ever wondered how the ratings system works? In a nutshell, Martindale-Hubbell solicits confidential opinions from members of the bar and judiciary, who rate their colleagues' legal ability and furnish general recommendations. Martindale-Hubbell makes no independent evaluations. However, they send field representatives to visit thousands of law offices annually to provide written reviews which are necessary before a rating is assigned, lowered or withdrawn. The publisher emphasizes that the lack of a rating should not be misinterpreted because many attorneys request that their rating not be published, or Martindale-Hubbell does not have precise information to rate the attorney at the time the directory is published. ...MR

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