

The
Accidental
Law Librarian



Anthony Aycock

Contents

Introduction ?

**Chapter 1: Legal Publishing, or What
Are All Those Books on
*Law and Order?*** 1

Primary Sources ?
Secondary Sources ?
History of Legal Publishing ?
Modern Legal Publishing ?
Law Journals ?
Public and Law Firm Libraries ?

**Chapter 2: The Kolor-Koded, Turnkey-
Shaped Streamline Basics
of Legal Research** ?

The Librarian's Role ?
Statutes ?
Cases ?
Administrative Law ?
Secondary Sources ?
Blaydon Graycastle: Reprise ?

**Chapter 3: "How Do I Copyright My
Name?": Answering Legal
Reference Questions** ?

Pro Se Patrons ?
The Reference Interview ?
Unauthorized Practice of Law ?
Extreme Patrons ?

viii The Accidental Law Librarian

Law Firm Reference ?
Listen to Your Patrons ?

**Chapter 4: The Art of Hanging Loose(leaf)
in an Uptight World ?**

Looseleafs Defined ?
Varieties of Looseleafs ?
Looseleaf Filers ?
How to File Supplements ?
The Future of Looseleafs ?
Newsletters ?

**Chapter 5: The Big Two: Westlaw and
LexisNexis ?**

Background ?
Print vs. Electronic ?
What Westlaw and LexisNexis Have in Common ?
Westlaw Basics ?
LexisNexis Basics ?
Contracts ?
Which Is Better? ?

**Chapter 6: Beyond the Big Two: Other
Legal Databases ?**

Supplemental Databases ?
Low-Cost Alternatives ?
Free Legal Websites ?
Mobile Legal Research Apps ?

**Chapter 7: Where's Waldo?: Public
Information Searches for
Law Librarians ?**

Public Information ?
Company Information ?
Individual Persons ?
To Strive, to Seek, to Find ?
Finding Waldo ?
Laws Governing Personal Information ?

Courthouse Filings	?
Appellate Briefs	?
Chapter 8: The Anxiety of the Men (and Women) Inside the Board Rooms	?
Law Firm Administrators	?
Library Boards	?
Marketing the Law Library	?
Writing a Business Proposal	?
Chapter 9: Education and Resources	?
Should You Get a JD?	?
How About an MBA?	?
Books on Law Librarianship	?
Books on Legal Research	?
Research Guides	?
Blawgs	?
Training and Support	?
Associations	?
Chapter 10: The Future of Law Libraries	?
Resources	?
Users	?
Appendix A: Patron Requests in Law Libraries	?
Appendix B: Library Business Case	?
About the Author	?
Index	?

Legal Publishing, or What Are All Those Books on *Law and Order*?

This chapter gives an overview of legal publications and is intended specifically for new librarians who work in law firms and public law libraries. *Any* librarian, however, will benefit from this discussion. In cities where there is no public law library, public or academic librarians tend to receive law-related questions. They should know the basics of legal materials for collection development (covered later in this chapter) and for reference service (see Chapter 3).

This collection development discussion, though, will focus on law firm and public law libraries rather than on academic law libraries, due to their specialized needs. Law professors, as scholars, need access to historical and interdisciplinary materials that would be of little use to practicing attorneys. Most academic law librarians, moreover, have law degrees (see Chapter 9), meaning they are already familiar with the basics I discuss in this chapter. Finally, there are already plenty of resources on academic law library collection development. Two of the best are Gordon Russell and Michael Chiorazzi's *Law Library Collection Development in the Digital Age* (see Chapter 9) and *Legal Research and Law Library Management* by Julius Marke, Richard Sloane, and Linda Ryan.

For law firm and public law librarians, there are two broad categories of legal materials: primary and secondary.

2 The Accidental Law Librarian

Primary Sources

Primary sources are what most people mean by “the law.” These are “the sum total of the rules governing individual and group behavior that are enforceable in court.”¹ Law librarians deal with three major categories of primary sources.

Statutes

Statutes are legislation enacted by an elected body—the U.S. Congress, for example, or a state legislature. Congress has its own legislative process, as does each state. The chart provided at www.dailyinfographic.com/how-our-laws-are-made-infographic illustrates the U.S. Congress legislative process; the graphic provided at www.ncleg.net/ncgainfo/bill-law/bill-law.gif illustrates the North Carolina legislative process.

Cases

A *case*, also called an *opinion* or *decision*, is a written ruling issued by a court on a specific matter. Judges are bound in their rulings by how similar cases in the same jurisdiction were decided in the past. This principle—as Dan, the patron mentioned in the Introduction, knew so well—is called *precedent*, and it is the foundation of the American common law system.² Cases may be published or unpublished, and if you have watched *Law and Order* on television, then you have seen books of published cases—the tan hardcover volumes with black and red stripes. (If you haven’t noticed these before, look for them. They often appear in bookcases in hallways, courtrooms, or the district attorney’s office.)

Administrative Law

Administrative law refers to the regulations and decisions made by administrative agencies, both at the federal and state level. As I discuss in Chapter 2, regulations are like statutes, and agency decisions are analogous to court cases; agency documents carry the

same force of law. Agencies are created by statute and charged with regulating an area of society. The U.S. Food and Drug Administration, for example, ensures public safety by requiring drug companies to adhere to testing and reporting standards. Federal agencies report ultimately to the president, state agencies to the governor.

These agencies touch nearly everything we do as citizens. As a North Carolina resident, I pay employment taxes to the Internal Revenue Service and the North Carolina Department of Revenue, have money withheld by the Social Security Administration, get my driver's license from the North Carolina Department of Motor Vehicles, drive on bridges designed by the Army Corps of Engineers, vacation in parks managed by the North Carolina Wildlife Resources Commission, ride in elevators inspected by the North Carolina Department of Labor, fly in planes regulated by the Federal Aviation Administration, send packages through the U.S. Post Office, and drift to sleep on a mattress bearing a tag required by the Consumer Product Safety Commission.³

Secondary Sources

Secondary sources are materials that discuss, explain, analyze, and critique the law. They are resources about the law, not the law itself. Remember the two sources I showed to Dan, *Strong's North Carolina Index* and *Webster's Real Estate Law in North Carolina*? Those were both secondary sources. I used them to help me find primary sources relevant to Dan's research.

For more about primary and secondary sources, see Chapter 2.⁴

History of Legal Publishing

To understand legal publications, it helps to know a bit about where they came from. English legal publishing got its start in the

4 The Accidental Law Librarian

1480s, when William de Machlinia printed the *English Year Books*, handwritten law reports dating back to the 13th century. Lawyers at this time, as part of their professional training, sat in court and took notes on pleadings (i.e., the claims and defenses by parties to a lawsuit) as well as dialogue between lawyers and judges and any statements of law. They did not record every case, and the recordings they made typically lacked the names of the parties or the outcomes of the cases. Still, the *Year Books* are valuable because they record the “earliest stages of development of procedure, argument, and doctrine in the common law tradition.”⁵ Later, the publisher Richard Pynson released *Statham’s Abridgment*, a collection of summaries of cases from the *Year Books*, which were organized under alphabetical subject headings. It was the ancestor of the modern-day West digest (see Chapter 2).

Machlinia also gave us the first book of statutes, the *Nova Statuta*, published in 1485 but dating back to 1327. More collections of statutes and cases appeared during the 16th and 17th centuries, as did treatises (big, explanatory texts about the law), legal manuals and dictionaries, formbooks, and other abridgements modeled on *Stratham’s*. All these were secondary sources. When the *Year Books* were discontinued in 1535, other individuals took up the task of publishing cases, naming the works after themselves (e.g., *Hutton’s Common Pleas Reports*). This practice continued into the 19th century in England and the U.S.

Of the leading treatises, the most influential was William Blackstone’s *Commentaries on the Laws of England*.⁶ Unlike most European nations, whose Roman-inspired legal systems were heavy on statutes and codes, England had a common law system, relying on actual cases to establish precedents. Common law has more room for interpretation, which explains the need for treatises. Blackstone’s was the most readable and therefore the most influential, inspiring James Kent’s *Commentaries on the American Law* in 1826.

After its political break from England in 1787, the new United States began to develop its own system of law. In the colonial era, printers had turned out legal materials in addition to their other commissions. However, in the 19th century, specialized legal publishers emerged. “Official” publications called *case reporters*, published at state rather than private expense, replaced the patchwork of named reporters like *Hutton’s* that had followed the colonists from England. *Reporter* is still the term for collections of cases, whether published by the federal or state government or by a commercial publisher such as West (see Chapter 2).

States also began publishing statutes, and as legal training moved from apprenticeships to law schools in the late 1800s, textbooks of law began to appear. One type of text was the *casebook*, a collection of cases, condensed to their essentials, on a particular topic. Casebooks, the creation of Christopher Columbus Langdell (dean of Harvard Law School from 1870 until 1895), remain the primary texts used in law schools today.⁷

John B. West Changes the Game

Every industry has its game changers. Henry Ford took the automobile, a plaything of the rich, and put it in nearly every home in America. Ray Kroc bought a little hamburger joint from the McDonald brothers and turned it into the world’s largest restaurant chain. Bill Gates and Steve Jobs oversaw a new era in personal computing. In legal publishing, the game changer was John B. West. In the 1870s, case reporting was a diffuse, unsophisticated, and maddening business. State court clerks often waited as much as a year before publishing court decisions, which by then, due to new precedents, were already outdated. Moreover, attorneys west of the Mississippi had trouble getting legal books from East Coast publishers, making it hard for them to do research for their cases.⁸

John West changed all that. A bookseller for Minnesota-based publisher D.D. Merrill, he knew the complaints of his attorney cus-

6 The Accidental Law Librarian

tomers. In 1872, he quit Merrill and established his own firm to focus on the local bar. He created a line of legal forms, reprinted hard-to-find treatises, and produced a much-needed index to the Minnesota statutes.⁹ In 1876, West and his brother Horatio released a weekly journal called *The Syllabi*. Each issue contained “the syllabus (prepared by the Judge, writing the opinion) of each decision of the Supreme Court of Minnesota, as soon after the same is filed as may be practicable, accompanied, when desirable to a proper understanding of the points decided, with an abstract of the case itself, and when the decision is one of general interest and importance, with the full opinion of the Court.”¹⁰ It also published important decisions of lower Minnesota courts and federal courts in the state.

The Syllabi grew into the *North Western Reporter*. Other regional reporters followed, and in 1887, West turned his attention to what he called “the American Digest Classification Scheme.”¹¹ Basically, this was an index of American law using some 200 topics that were further divided into “key numbers,” each representing one legal concept, or point of law. Each case, regardless of jurisdiction, was printed with the key numbers corresponding to its points of law. This meant that, for the first time ever, attorneys could find cases by *subject*.

More than a century later, West¹² publishes cases from every federal and state jurisdiction, indexing them with this same topic and key number system. A few states publish their own case reporters, but most have outsourced the job to West, as has the federal government, which publishes its own version of U.S. Supreme Court cases, but not those of the lower courts. In addition to West, other major legal publishers emerged in the late 19th and early 20th centuries. These included:

- Callaghan and Company (1863), publishing treatises and practice guides

- Shepard's (1873), the leading citator, or list of authorities that cite, or discuss, a particular case (see Chapter 2)
- Matthew Bender (1887), another treatise publisher
- Michie (1897), publishing state statutes
- Commerce Clearing House (1913), publisher of the first looseleaf service (for more on looseleaves, see Chapter 4)
- Bureau of National Affairs (1933)
- Practising Law Institute (1933)
- Research Institute of America (1935), a major publisher of U.S. tax materials
- Warren, Gorham & Lamont (1961)
- Prentice Hall Law & Business (1973)
- John Wiley Law Publications (1983)¹³

Modern Legal Publishing

In 1977, according to one account, “there were 23 fairly substantial independent legal publishers.”¹⁴ By 2006, three conglomerates, not-so-affectionately known as “The Big Three”—Thomson West, owned by Canada’s Thomson Corporation; Reed Elsevier, a Dutch company; and Wolters Kluwer, based in the Netherlands—had bought up 80 percent of the industry.¹⁵ Therefore, just four publishers—The Big Three and U.S. publisher Bureau of National Affairs (BNA)—had control of 97 percent of the law-related market in the U.S.

The industry, however, is still consolidating. For years, there has been speculation that Reed Elsevier and Wolters Kluwer would merge, creating the world’s leading supplier of scientific and professional information. Such a merger “has been seen by some analysts as the only way for the two companies to achieve the critical

8 The Accidental Law Librarian

mass necessary to compete effectively with Thomson Reuters.”¹⁶ Even BNA, touting itself for years as the only independent U.S. legal publisher, is now owned by Bloomberg. Table 1.1 provides a breakdown of The Big Three’s products.

Table 1.1 A Breakdown of The Big Three’s Products

Name	Law-Related Imprints	Major Products
Thomson Reuters	West Publishing Callaghan & Company Clark Boardman Warren, Gorham & Lamont Lawyers Cooperative RIA Sweet & Maxwell Shepard’s (treatises) Foundation Press Findlaw Harrison Company Dialog GlasserLegalWorks Hildebrandt International Global Securities Information, Inc.	<i>National Reporter System</i> <i>United States Code Annotated</i> Most state statutes West digests Largest number of treatises Westlaw KeyCite (does not exist in print) Hornbooks Nutshell series <i>Black’s Law Dictionary</i> Findlaw.com (free public website) CLEAR public records database
Reed Elsevier	Lexis R.R. Bowker Martindale-Hubbell Butterworths Michie Shepard’s Matthew Bender Mealey’s Publications Courtlink Anderson Publishing	<i>U.S. Supreme Court Reports, Lawyers Edition</i> <i>United States Code Service</i> Most state statutes (some same as West but with different annotations) Substantial number of treatises Lexis.com <i>Shepard’s Citations</i> (still published in print) Matthew Bender treatises <i>Mealey’s Litigation Reports</i> Accurint Lexisone.com (free public website) Courtlink public records database
Wolters Kluwer	Aspen Law & Business CCH Little, Brown (treatises) Wiley Law	CCH looseleafs CCH.com Substantial number of treatises Aspen paralegal textbooks <i>Glannon Guides</i> <i>CrunchTime</i> <i>Emanuel Law Outlines</i> <i>Examples & Explanations</i> series Loislaw.com

Other publishers that law librarians often interact with include the following:

- BNA publishes hundreds of newsletters in dozens of practice areas (see Chapter 4) and also publishes some treatises.
- The Dolan Company (www.thedolancompany.com) publishes over 50 state business and legal newspapers.
- Some individual states, as I mentioned, publish their own appellate cases, which are not indexed by West's topic and key number system. No state publishes its own statutes, instead relying on West or Lexis to publish them.
- James Publishing has litigation-oriented titles centering on state court trial issues.
- Jones McClure offers large-market state jurisdiction treatises (e.g., Texas and California) with some federal treatises.
- The U.S. Government Printing Office prints the *U.S. Code* and *U.S. Reports* (i.e., Supreme Court cases). The statutes are not annotated, and the cases are not indexed (see Chapter 2 for the importance of these features).

Price Increases

The biggest effect of this consolidation of legal publishers on libraries has been hefty price increases. Multivolume treatises in particular have gone up significantly. According to one report, after Thomson acquired Lawyer's Cooperative in 1989, prices shot up at "about twice the rate of legal publications generally."¹⁷ For example, annual supplementation of West's *American Jurisprudence 2d* rose from \$1,300.00 in 1993 to \$7,106.00 in 2010, an increase of 446 percent in 17 years.¹⁸ Lexis titles also saw huge increases from 1995–2009:

- *Moore's Federal Practice*: 46 percent
- *Bender's Federal Practice Forms*: 116 percent

10 The Accidental Law Librarian

- *Collier on Bankruptcy*: 140 percent
- *Nimmer on Copyright*: 167 percent¹⁹

What does this mean for The Big Three? An oligopoly, and a lucrative one at that. In 2010, the three publishers combined had over \$12 billion in revenue.²⁰ Typically about 85 percent of those dollars come from supplementation—pocket parts, looseleaf pages, new volumes, and other updates.²¹ Often, it costs as much to update a treatise for 1 year as to buy a new edition outright. For example, in 2008, *Fletcher Corporation Forms Annotated*, a multi-volume West title, cost \$2,705 to buy. The price to supplement an existing set was 8 percent higher, at \$2,909. In 1993, the supplements were dirt cheap at \$429, meaning the price had risen 334 percent in just 15 years.²²

Cost-Saving Tips

What recourse do law libraries have in the face of crippling price increases? They can't get this information elsewhere, and of course they can't be without it. Law schools can raise tuition, and law firms can bill their clients more, but there are ceilings for these actions—low ceilings, in some cases. Meanwhile, prices go up, up, up. Their ceiling, it seems, is the heavens themselves.

Forced to cut costs or be shut down, librarians have come up with some effective strategies, most involving canceling print supplements for primary and secondary sources. In a treatise, for example, most of the value lies in the base text, which provides the contours of the field, its basic vocabulary, and the time-tested authorities. Supplements only pile on more cases, which you can get from Westlaw, LexisNexis, or a free website (see Chapters 5 and 6). Some libraries will buy a treatise, cancel the updates, and then buy the same treatise again in 4–5 years, saving a few thousand dollars in the process. Attorneys will still use the volumes for high-

level concepts or background reading, then turn to a database to look for the latest cases, and they seem comfortable doing this.

There are exceptions, however, and if you are going to work in a law firm library, you need to identify these exceptions fast. In one large firm where I worked, the managing partner of my office, Gabriel (not his real name), was a well-known grump. He came into the library one day and asked for the *Atlantic Reporter* in print. I had thrown away a bunch of old reporters, including the *Atlantic Reporter*, because I was running out of shelf space. Moreover, the reporters had been canceled years before, and all the cases were on Westlaw and LexisNexis anyhow. I offered to pull a case for him from one of these online services, but he seemed more interested in the fate of the *Atlantic Reporter*. At that moment, I realized that its fate and mine were intertwined.

Knowing that the previous librarian had a reputation for throwing stuff out, I said maybe she had gotten rid of them. Serving up a colleague like that was not my finest professional moment, but it saved me from the noose. Gabriel looked down and shook his head. “You’re probably right,” he said. Then he turned and walked out of the library.

The crucial issue here is this: Law firm partners own the firm, meaning they own the library collection as well. Instead of just tossing the old reporters, I should have discussed my plan with the office administrator—the business manager who works closely with the firm management committee (see Chapter 8 for more on working with law firm management). This is the key to controlling costs in any law library: Talk to those in charge constantly. Make them experts on how much items cost and how often they are used. Ask the publishers to give you 5–10 years of supplementation costs for certain titles. You can also find this information in the outstanding *Legal Information Buyer’s Guide and Reference Manual* by Kenneth Svengalis. (The book is updated annually.) Then, press your attorney users to be realistic about their usage.

12 The Accidental Law Librarian

Explain that certain information is available through other means—Westlaw, LexisNexis, or a cheaper but comparable treatise.

Another potential cost saver for law firms is academic or public libraries. Any library attached to a state-funded law school must be open to the public, and many of them will let attorneys check out volumes. Most private schools are also open to members of the bar. Some charge a nominal fee for library use, often a few hundred dollars a year for check-out privileges, late-night and weekend access, and on-site Westlaw and LexisNexis. Public law libraries are on the decline (see Chapter 10), but any general public library offers interlibrary loan (ILL), which I have used hundreds of times for attorney patrons. At the very least, ILL lets an attorney see a book before deciding to spend the law firm's money on it.

The last cost-saving measure is to use electronic access instead of print supplementation, especially for firms that subscribe to Westlaw or LexisNexis anyway. Why pay for the same information twice? Svengalis lists a series of West titles with an initial cost of \$43,302 and a yearly update cost of \$29,891. Those same titles on Westlaw cost \$2,208 per year.²³ Some titles, though, are unavailable electronically or are harder to use in that format, so you need to know both services intimately, as well as the predilections of your users. For more details, see Chapters 5 and 6.

Public law libraries can also save money by canceling certain print titles and substituting electronic access. Chapter 4 discusses looseleaf services, which are prime candidates for cancellation; public libraries can also cancel legal newsletters and law journals. Most articles from the last 30 years are on Westlaw and LexisNexis, and older articles can be obtained via ILL.

Westlaw and LexisNexis can be pricey for law firms. Public libraries, however, can subscribe to cheaper, pared-down versions. With Westlaw Patron Access, for instance, access is confined to computer terminals in the library (it is not available to remote users via user passwords). Anyone who walks up to a library termi-

nal may click the desktop link and use the database. This version also includes only the basics—case law, statutes, regulations, and the most common secondary sources. Specialized content such as public records, business sources, and news publications are not included. See Westlaw Patron Access (www.store.westlaw.com/westlaw/patron-access/default.aspx) for more information.

A similar product is LexisNexis Academic (academic.lexisnexis.com/online-services/academic/academic-overview.aspx) is intended for academic libraries. It therefore also contains news and business content, making it pricier than Westlaw Patron Access but still less expensive than the law firm version of either database.

Law Journals

Before 1879, when John West began publishing the *North Western Reporter* and other collections of cases, lawyers learned about new cases through a series of law magazines—*Albany Law Journal*, *Central Law Journal*, *American Law Review*, and *Virginia Law Journal*, to name a few. The new case reporters, however, were more current and more thorough than these magazines, and by 1900, most of the periodicals had died off. In their place rose university legal journals, or *law reviews*. Edited by students, these journals published short discussions of cases written by students, as well as longer, more scholarly works by professors, lawyers, or judges.

Which was the first law review? Lawrence Friedman, in *A History of American Law* (1973), suggests it was Harvard's, which seems to be the consensus. (Wikipedia calls *Harvard Law Review* the “oldest operating student-edited law review.”) It appeared in 1887, though another journal, the *Columbia Jurist*, was actually 2 years older. According to its masthead, the *Jurist* was “published weekly by the students of the Columbia College Law School.” The *Jurist* closed up

14 The Accidental Law Librarian

shop in 1887, reappearing in 1901 as the *Columbia Law Review*. Other journals are even older, but they were published under the stewardship of nonstudents. Thus, what we can say about Harvard is that it has the oldest *continuously operating* student-edited law review in the United States.

Of course, as Harvard goes, so goes the law. Each of the 200-plus U.S. law schools now publishes its own student-edited law review, and the bigger schools publish more than one. Harvard, for instance, could fill nearly two tic-tac-toe grids with its serial excess. In addition to the main law review, the school produces the following:

- *Civil Rights-Civil Liberties Law Review*
- *Environmental Law Review*
- *Harvard Business Law Review*
- *Harvard International Law Journal*
- *Harvard Journal of the Legal Left*
- *Harvard Journal on Racial and Ethnic Justice*
- *Harvard Law and Policy Review*
- *Human Rights Journal*
- *Journal of Law and Gender*
- *Journal of Law and Public Policy*
- *Journal of Law and Technology*
- *Journal on Legislation*
- *Journal of Sports and Entertainment Law*
- *Latino Law Review*
- *National Security Journal*
- *Negotiation Law Review*

Some scholarly law journals come not from law schools but commercial publishers. Sage and Blackwell (now John Wiley & Sons) are two of the biggest, and they tend to produce interdisciplinary journals. Some examples are *Law and Literature*, *Social and Legal Studies*, and the ultraspecific *Corporate Social Responsibility and Environmental Management*. There are also newsletters, newspapers, glossy magazines, and professional journals that do exactly what those pre-West periodicals did back in the 1870s: summarize cases, discuss trends, and report on the profession (see Chapter 2).

Speaking of the profession, there is now a hot debate concerning the number and utility of law reviews. Actually, it isn't even a debate because everyone—lawyers, academics, even the bookish Supreme Court justices—agrees that law reviews tend to publish scholarship of little value to the practicing bar. Judge Richard Posner of the U.S. Seventh Circuit Court, who is also a law professor, complained in 2004 that “too many articles are too long, too dull, and too heavily annotated, and that many interdisciplinary articles are published that have no merit at all.”²⁴ In 2008, Supreme Court Chief Justice John Roberts said, “What the academy is doing, as far as I can tell, is largely of no use or interest to people who actually practice law.”²⁵

Two years later, Justice Anthony Kennedy noted the decline in student-written analyses of recent cases, called *case notes*, in law reviews. In his earlier years on the Supreme Court, Kennedy had found it useful to read any law review notes discussing cases appealed to the Court. Now, there is a quicker way to meet this need: blogs. Yet case notes, Kennedy says, played an additional role, one he sees as no longer fulfilled: “It’s perfectly possible and feasible, it seems to me, for law review commentary immediately to come out with reference to important three-judge district court cases, so we have some neutral, detached, critical, intellectual commentary and analysis of the case. We need that.”²⁶

16 The Accidental Law Librarian

Like Kennedy, I believe that law reviews have value. They give students some advanced research and writing training, and they provide an outlet for the kind of theorizing that would never make it into a treatise or practice guide. Before World War II, law professors and students wrote practical, profession-based articles. Since then, legal scholarship has become a “dialogue between law professors or for exchanges between the law schools and other people in the university, chiefly in the economics department, but also scholars doing research in fields such as philosophy, sociology, and political science.”²⁷ This dialogue is important. Law is not made in a vacuum; it is a response to social and economic trends. Thus, legal scholarship is relevant, no matter what lawyers and judges say to the contrary.

Moreover, some attorneys do use law review articles. Often, the first attempt by the profession to analyze some new legal trend appears in the pages of a law review. Also, some reviews publish an annual survey of important cases in a particular area. Some academics look down on these retrospectives, seeing them as “a lower function—a pro bono service, not real, significant scholarship.”²⁸ Plus, they point out, this service of the journals has been supplanted by newsletters, looseleaves, and electronic alerts set up through Westlaw or LexisNexis.

All of these options, however, are more expensive than the \$40 annual subscription for a law review. Moreover, newsletters and alerts cite and summarize cases with no commentary, whereas the review author engages with the cases, fitting them into the legal landscape like pieces in a puzzle.

Public and Law Firm Libraries

Academic law library collections are mandated to some degree by American Bar Association accreditation standards. As a result, these collections are pretty much the same. Public and law firm

libraries, however, often have very different, sometimes unique collections. A few sample collection development policies are available on the website of the Technical Services Special Interest Section of the American Association of Law Librarians (www.aallnet.org/sis/tssis/committees/acquisitions/collectiondevelopmentpolicies). Following are a few other collection development policies:

- Sacramento County, California (www.tinyurl.com/6woo99a)
- King County, Seattle, Washington (www.kccl.org/contact/policies)
- Denison, Texas (www.tinyurl.com/7pw9tby)

Public law libraries have been starved for funding in recent years. Some, in fact, have died (see Chapter 10), putting the burden of legal reference service on regular public libraries, which can ill afford to add a collection of costly legal publications. Nevertheless, there are some low-cost legal materials that any public library can acquire:

- West's Nutshell series, which consists of 200 or so paperback volumes, useful to the public and practitioners alike (cost: less than \$40 each)
- Rules of court for your state, available from West (cost: less than \$200)
- Form books for your state, which tend to be among the cheapest titles from West and Lexis, invaluable to the public and practitioners (cost: \$200–300 per title)
- *Black's Law Dictionary*, the most popular of all legal dictionaries and one of the few West titles with *no* annual updates (cost: less than \$200)

18 The Accidental Law Librarian

- Nolo Press self-help books (cost: usually \$25–40; there is nothing better for public use; see Chapter 9)
- Westlaw’s or LexisNexis’s steep discounts on database access to public libraries (cost: just a few hundred dollars a year for any sort of customized plan; see Chapter 5)

In my experience, most law firms do not have formal written collection management policies. One or two are available on the AALL Technical Services Special Interest Section website, and the librarian David Whelan put a sample policy on his blog back in 2002,²⁹ a post he updated in 2010. Thus, for guidance, you will need to rely on various books and articles about law firm collection management. Try these for starters:

- *AALL Spectrum*, the professional magazine of the American Association of Law Librarians (see Chapter 9)³⁰
- Chapter 23 of Svengalis’s *Legal Information Buyer’s Guide and Reference Manual*
- Law Librarian Blog (www.lawprofessors.typepad.com/law_librarian_blog)
- Strategic Librarian (www.strategiclibrarian.com), whose tag line is “Using Strategy to develop the law firm library”

Endnotes

1. Stephen Elias and Susan Levinkind, *Legal Research: How to Find and Understand the Law*, 11th ed. (Berkeley, CA: Nolo, 2003), 3/2.
2. For a thorough discussion of American common law, see Lawrence M. Friedman, *A History of American Law* (New York: Simon & Schuster, 1985).
3. Ever wonder why mattress tags are there in the first place? See Mary Whisner, “Mattress Tags and Pillow Cases,” *Law Library Journal* 101, no. 2 (2009): 235–247. The article illustrates a good example of the relationship between regulations and statutes.

4. Two other primary sources are treaties and city or county ordinances. A great introduction to treaties is the Georgetown Law Library Treaty Research Guide (www.ll.georgetown.edu/guides/TreatyResearch.cfm). For ordinances, a good introduction is Researching Local Government Law (lawweb.usc.edu/library/research/uslaw/multilaw/municipal.cfm).
5. David J. Seip, introduction to *Statham's Abridgement of the Law*, trans. Margaret Klingelsmith (Clark, NJ: Lawbook Exchange, Ltd., 2007), xiii.
6. Kendall Svengalis, *Legal Information Buyer's Guide and Reference Manual* (Barrington, RI: Rhode Island Press, 2011), 8.
7. *Ibid.*
8. Erin Carlyle, "Westlaw Rises to Legal Publishing Fame by Selling Free Information," Citypages, April 29, 2009, www.citypages.com/2009-04-29/news/westlaw-rises-to-legal-publishing-fame-by-selling-free-information (accessed November 19, 2012).
9. Robert M. Jarvis, "John B. West: Founder of the West Publishing Company," *American Journal of Legal History* 50, no.1 (2010): 5.
10. *Ibid.*, 6.
11. *Ibid.*, 8.
12. The publisher founded by John B. West has had multiple names. It is currently a subsidiary of Thomson Reuters. In this book, I will refer to the print publisher simply as *West*; the company's electronic database will be referred to as *Westlaw*. Likewise, I will refer to the publisher LexisNexis simply as *Lexis*; the company's electronic database will be referred to as *LexisNexis*. See Chapter 5 for more information on Westlaw and LexisNexis.
13. Svengalis, *Legal Information Buyer's Guide*, 12.
14. Amanda Runyon, "The Effect of Economics and Electronic Resources on the Traditional Law Library Print Collection," *Law Library Journal* 101, no. 2 (2009): 177–205.
15. In 2008, after a merger with the U.K.-based Reuters Group, Thomson West became Thomson Reuters. Headquartered in New York, it is still principally owned by the Canadian Thomson Corporation, preserving the irony of most of American law being published by non-U.S. companies.
16. Gary P. Rodrigues, "More Speculation on Mergers and Acquisitions in Legal Publishing," *Slaw* (online legal magazine), December 13, 2010, www.slaw.ca/2010/12/13/acquisitions-and-mergers-in-legal-publishing-not-over (accessed November 19, 2012).
17. Runyon, "Effect of Economics," 180.

20 The Accidental Law Librarian

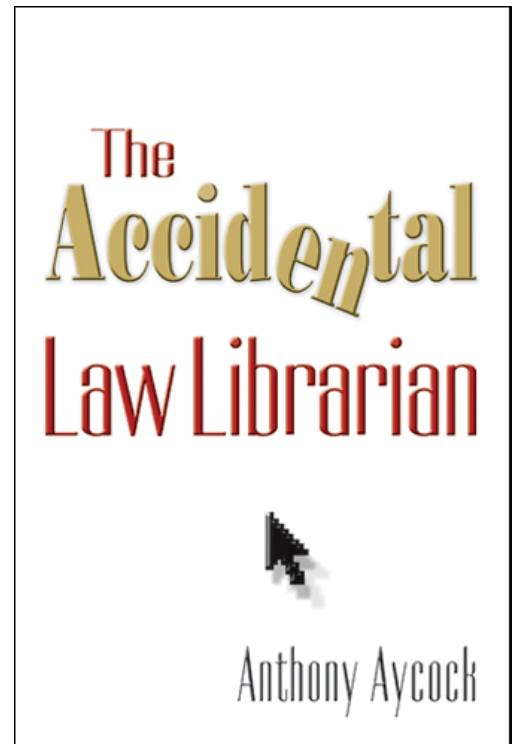
18. Kendall F. Svengalis, *Legal Information Buyer's Guide and Reference Manual* (Barrington, RI: Rhode Island Press, 2011), 42.
19. Emory School of Law, "Price Increases," accessed November 19, 2012, library.law.emory.edu/for-law-students/emory-law-subject-guides/the-legal-research-industry/price-increases.
20. Emory School of Law, "Mergers and Acquisitions," accessed November 19, 2012, library.law.emory.edu/for-law-students/emory-law-subject-guides/the-legal-research-industry/mergers-and-acquisitions.
21. Emory School of Law, "Price Increases."
22. Kendall Svengalis, "Legal Information: Globalization, Conglomerates and Competition—Monopoly or Free Market," PowerPoint slides, May 19, 2009, www.rilawpress.com.
23. Ibid.
24. Richard A. Posner, "Against the Law Reviews," *Legal Affairs* (November/December 2004), accessed November 19, 2012, www.legalaffairs.org/issues/November-December-2004/review_posner_novdec04.msp.
25. Adam Liptak, "Keep the Briefs Brief, Literary Justices Advise," *New York Times*, May 20, 2011, accessed November 19, 2012, www.tinyurl.com/89xfujj.
26. Richard A. Danner, Kelly Leong, and Wayne V. Miller, "The Durham Statement Two Years Later: Open Access in the Law School Journal Environment," *Law Library Journal* 103, no. 1 (2011): 39–54.
27. Richard Harnsberger, "Reflections about Law Reviews and American Legal Scholarship," *Nebraska Law Review* 76 (1997): 693.
28. James Milles, "Redefining Open Access for the Legal Information Market," *Law Library Journal* 98, no. 4 (2006): 633.
29. David Whelan, "Sample Collection Development Policy," David Whelan: Explorations with Information and Technology (blog), April 30, 2002, accessed November 19, 2012, www.ofaolain.com/blog/2002/04/30/sample-collection-development-policy.
30. An illustrative article is Steve Lastres, "Collection Development in the Age of the Virtual Law Firm Library," *AALL Spectrum*, June 2011, 20–23.

About the Author

Since 2010, Anthony Aycock has managed the library of the North Carolina Justice Academy, a nationally accredited law enforcement training facility in eastern North Carolina. Before that, he was the head of access services at the Charlotte School of Law Library in Charlotte, North Carolina. He has also been a librarian in law firms, a corporate legal department, and at various public libraries.

Anthony has published essays and articles in the *Missouri Review*, *Gettysburg Review*, *Creative Nonfiction*, *ONLINE*, *Library Journal*, *National Paralegal Reporter*, and *Community & Junior College Libraries*, and holds a BA in English, an MLIS, and an MFA in creative writing. From 1992 to 2000, Anthony worked as a McDonald's restaurant manager. He has only two things to say about that career: 1) Big Mac sauce is *not* Thousand Island dressing; and 2) the next time you use a drive-through in the rain, please, please, please turn off your windshield wipers at the pay window.

If you enjoyed reading this chapter of *The Accidental Law Librarian*, please visit our bookstore to order a copy.



ITI Bookstore: <http://books.infotoday.com>