



## LIBRARIAN'S CORNER:

April 2<sup>nd</sup> through 8<sup>th</sup> this year is National Library Week, promoted by the American Libraries Association, and noted in many communities with special programs and events designed to showcase public libraries and their services. This same week also marks the 14<sup>th</sup> Annual National Legal Research Teach-In, as sponsored by the American Association of Law Librarians. During this week, librarians in law libraries, both public and private, offer programs and contests, designed to teach patrons how to better utilize legal resources, both in and outside of their libraries. (Of course, in 1992 when this “teach-in” program was started, I would have thought there were few left in the profession old enough to remember the 1960’s, when words like “love-in” and “Laugh-In” - the Rowan and Martin TV comedy classic—were more commonplace. Apparently I was wrong—and thus was launched a blatant attempt to win adherents using retro marketing!)

Which leads me to our own library’s blatant marketing attempt—the costume of the month for our resident anatomical model in the library (a.k.a. Billy Bones, the plastic skeleton!) is as the **Librarian of Congress**. If possible, we invite you to take a few minutes and walk by Billy’s glass case to check out his latest outfit. (Billy was originally purchased as a courtroom aid for attorneys, and “in the old days” was rented out on a per diem basis. However, with the advent of computers and PowerPoint slide software, Billy has experienced a long period of unemployment in the last few years. Thus, the costumes, to remind library patrons that he is around, and even looking for “work”. We use him as a model for appropriate costumes for whichever season, and also as a teaching aid and information conduit for interesting web-sites.)

This month, Billy’s case provides information on past Librarians of Congress and on the history and size of the current Library. (More information at: [www.loc.gov](http://www.loc.gov).) The Law Library of Congress, a division within the larger organization, also provides an excellent web-based Law Guide for federal, state and international law.

But, most importantly, Billy’s display case this month has a classification chart showing the current taxonomy of librarian sub-species now common in most communities. (yes, we do have sub-species!) To check out a representative specimen of **Homo Sapiens Librarianus**, Sub-Species: **Legalsis**, come to your local County Law Library. You will find that our sub-species has mastered the use of simple and complex tools (such as computers and photocopier equipment); we also use similar vocal patterns and terms, such as AALL or ALA. Best of all, we don’t bite!

(Much!) *Linda Falken*



## CITATIONS TO UNPUBLISHED OPINIONS TO BE ALLOWED IN FEDERAL COURTS

On April 12, 2006, the U.S. Supreme Court adopted a rule change of historic significance for lawyers. Starting next year (Jan. 1, 2007), lawyers will be able to cite “unpublished opinions” in all federal courts, under Federal Rule of Appellate Procedure 32.1. This change will still allow various circuits to decide what precedential value these unpublished opinions might have, but all rulings from that date forward can be cited by attorneys, whether published or not. The rule changes were forwarded on to Congress for approval, and will become effective Jan. 1, 2007, unless Congress objects.

The changes that were approved were forwarded to the Court by the Advisory Committee on the Federal Rules of Appellate Procedure. The current Supreme Court’s approval was not unexpected; the Committee was formerly chaired by Samuel Alito, Jr. (then a 3rd Circuit Justice) and Chief Justice John Roberts, Jr. (then a judge with the D.C. Circuit) also was a member when this rule change was approved. There was no indication in the Court’s order as to which justices participated or dissented, if any. A copy of the order can be found on the U.S. Supreme Court’s website, at:

<http://www.supremecourtus.gov/orders/courtorders/frap06p.pdf>

There have been critics of this policy change, one being 9th Circuit Judge Alex Kozinski. Some of his arguments against using unpublished opinions are detailed in an article by Tony Mauro for Legal Times, published 4/13/06 online. Go to:

<http://www.law.com/jsp/article.jsp?id=1144845716431>

to get more background about this change and the history of related discussions on this matter.



## CURRENT BANKRUPTCY REPORTERS AND BANKRUPTCY DIGEST NOW ONLINE

The Law Library has discontinued its subscription to the bound reporter volumes for the Bankruptcy Reports. Current reported case law from the U.S. Bankruptcy Courts is now available online through the Public Access WESTLAW terminals. The cost of maintaining the printed materials, not as current as the on-line source, increased so much in the past year, that we could no longer justify paying for both the print and electronic versions.

Also, if you need to update your bankruptcy digest topic to include current case law, it is recommended that you use WESTLAW, since the printed digests (and their pocket parts) are so far behind the issuance of relevant case law. Again, this can be done using the Digest feature on the WESTLAW service.

If you have any questions about retrieving a current case or digest topic on the WESTLAW service in the library, please see a staff member for assistance with this.

# NEW BOOK NOTES

The following are titles recently acquired by the Law Library; you will find them on the library shelves. Ask the library staff for information on their locations:

**ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL, December 2005 ed.**, by Oregon Department of Justice, 2005.

**DURABLE POWERS OF ATTORNEY AND HEALTH CARE DIRECTIVES, 4th ed.** by Michael L.M. Jordan, c2005. (Thomson/West Group). 2 vol. loose-leaf

**FELONY SENTENCING, 2006 ed.**, Oregon Criminal Defense Lawyers Assn., c2006.

**GUIDEBOOK TO THE FREEDOM OF INFORMATION AND PRIVACY ACTS, 2nd ed.**, by Franklin and Bouchard (Thompson/West Group), 2005. 2 vol. loose-leaf

**NORTHWEST PERSONAL INJURY LITIGATION REPORTS**, by Northwest Jury Verdicts, Inc., c2006 (monthly periodical).

**OREGON ATTORNEY GENERAL'S ADMINISTRATIVE LAW MANUAL AND UNIFORM AND MODEL RULES OF PROCEDURE UNDER THE ADMINISTRATIVE PROCEDURES ACT**, by Office of the Attorney General for Oregon, c2006

**OREGON GUIDELINES SENTENCING GRID**, by Oregon Criminal Defense Lawyers Assn, c2005 .

**OREGON RENTAL HOUSING ASSOCIATION LAW BOOK.**, edited by J. Norton Cabell, c2006 (Oregon Rental Housing Association, Inc.).

**UNIFORM CRIMINAL JURY INSTRUCTIONS, 2005 updates**, by Oregon State Bar, c2005, (loose-leaf—on reserve)

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## STATE BAR PROVIDES VOTER'S GUIDE FOR MAY JUDICIAL ELECTIONS

The Oregon State Bar Association has provided information at <http://www.osbar.org/barnews/judiciary.html> about individual candidates positions in judicial elections in the May Primary Elections. There are detailed profiles of each candidate in contested elections, in which the candidates prepared statements to answer questions about their background and interests. The site also offers the results of a poll of bar members on their preferences from among the candidates. (Check out the voting results posted on 4/18/06.)

This information should prove a welcome supplement to what is provided in the voters information pamphlets published by the Secretary of State. You can find more information on the May 17th elections by going to the Secretary of State's web page, at:

<http://www.sos.state.or.us/elections/>

The OSB web page also provides useful information about the process of electing judicial candidates in Oregon. Check it out for historical, as well as contemporary information.

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**Research Hint:** HighBeam Research, Inc. now offers free access to over 1 million full-text articles from on-line newspapers, or e-journals. (In addition to these items, this vendor also offers access to news articles and premium reference resources, such as the Oxford Guide to U.S. Supreme Court Decisions, the World Almanac, and at least 100 other references. )

Check out their site at: [www.highbeam.com](http://www.highbeam.com)

Once there, you can select their "library" (news articles from Knight Ridder and others) sources, or specifically tailor your search to web sites indexed by their service, or to specific research tools, such as dictionaries, encyclopedias, etc. Remember to use the Advanced search feature available at that site.

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## *Anti-Spyware Coalition/FTC Publish Guides for Consumers*

1) The Anti-Spyware Coalition (ASC) is a public interest group, composed of major anti-spyware software companies and other public interest organizations, such as Microsoft, Dell, McAfee, and Yahoo. Recently the group released information through their website for consumers and for business on how to better protect themselves against unwanted adware and spyware applications. These are simple 1-page instructions that walk network operators, as well as single computer owners, through steps needed to prevent inadvertent downloads of malicious software.

Go to: <http://www.antispywarecoalition.org/> and select the DOCUMENTS tab. There will be two documents available in .PDF format that you can download or print, one for networks and one for single computer owners.

2) In addition, the FTC maintains a web site designed to help business and consumers stay alert to hazards such as spyware, on-line ID theft and other dangers.

Go to: <http://onguardonline.gov/index.html>

and select "Spyware" under the tab TOPICS. The FTC lists various guidelines for protecting your computer from this problem.

## COVERT IT OR LOSE IT—LAST CHANCE TO REDEEM OLDER COPICARDS!!

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I know this is an old song, but we still have to whistle it until we get everyone's attention! There are at least 140 individuals who have not contacted us nor been in the Law Library since we switched over to the newer photocopy equipment in October, 2005. Six months later and there are still many individuals with unconverted credit on their older cards. And this is **despite** our efforts to let people know by letter, e-mail and by publication in various newsletters about this problem.

Listed below are the names of those who have at least \$9.00 credit in left on his/her older copicard, which we would like to carry forward, before we dispose of the outdated cards. PLEASE, if your name is listed below **contact a member of the library staff BEFORE MAY 15th**. We will be happy to issue you a newer style card for the equivalent value of your old—and will even throw in a piece of chocolate to close the deal.

Wayne Allen; Aaron Baker; Emilio Bandiero; Scott Bassinger; Ann Bunnenberg; Dan Cameron; Amanda Clay; K. Collins; T. Crawford; Carol Cricow; John P. Daugirda; Simpson Dwyer; Tom Evans; Risa Farrell; Gleaves, Swearingen, et al.; M(s)? Graff; J. Horsfall; Patrick Hughes; Jaqua/Wheatley; Johnson, Cram, Harder & Wells; Jeff Jones; Meg Kieran; Harold Leahy; A. LeComote; David Longood; Robert Lowry; M(s)? McCracken; Steve McIntire; Jim Melamed; Paul Merrell; Oregon Process; James Palmer; David Piper; Sheldon I. Rubin; Diamon W. Rudinsky; Joyce Schiro; Lynne Schroder; Kathryn Tassinari; Alan Thayer; Ed Thompson; M(s)? Willard; Phyllis Wolf.

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## STANDARDS FOR LAWYER COMPLIANCE WITH E-DISCOVERY

A recent article by Jason Krause in the April issue of the on-line version of the **ABA Journal** emphasizes that lawyers need to better understand how search engines work, when mining millions of pages of electronic documents in order to comply with discovery requirements. Although many attorneys use outside vendors or consultants to help sift through a client's documents and e-mail systems, the article points out that many software systems fail to search different types of data. And even worse, not understanding how the search engine utilizes keywords in its searches may also be a mistake.

One expert quoted in the short article pointed out that keyword searches normally only generate 20 to 50 percent of responsive documents. The article can be found at:

<http://www.abanet.org/journal/redesign/04iglitch.html>

## U.S. News and WR Publishes Rankings of Top Grad Schools.

U.S. News and World Report has just published its 2007 rankings for the "best" graduate schools in the U.S., including law schools. There is a link to a limited listing for these schools (not complete—obviously USNWR only offers the complete listings to subscribers of its print or online versions.)

However, you can view the top 10 from each category, along with links to school web sites that will provide some detail about admission requirements, financial aid, etc. Check it out at:

[http://www.usnews.com/usnews/edu/grad/rankings/rankindex\\_brief.php](http://www.usnews.com/usnews/edu/grad/rankings/rankindex_brief.php)

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## Internet Crime Report for 2005

The Federal Bureau of Investigation and the National White Collar Crime Center recently issued a report analyzing statistics collected by the Internet Crime Complaint Center (IC3) in 2005. These statistics are based on the number and nature of complaints re: internet-based crimes or fraud that were received and referred to the IC3 by law enforcement or regulatory agencies. The report noted an 11.6% increase in complaints between 2004 and 2005. Most significantly, the total dollar losses reported in 2005 almost tripled when compared to the 2004 figures (i.e., \$183 million in 2005 compared to \$68 million in 2004.)

The full report is available as a .PDF document at:

[http://www.ic3.gov/media/annualreport/2005\\_IC3Report.pdf](http://www.ic3.gov/media/annualreport/2005_IC3Report.pdf)

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## Need Economic Indicators from the Federal Reserve?

Take a look at: <http://liber8.stlouisfed.org/>

“What is more important in a library than anything else—than everything else—is the fact that it exists.” *Archibald MacLeish, poet, writer, and Librarian of Congress, 1892-1982*■