



LAW LIBRARY NEWSLETTER

INSIDE THIS ISSUE:

Quick (and Not so Quick?) Answers to Common Legal Research Problems 1, 3-4

—*Legislative History Research* 3

—*Administrative Decisions and Rules Research* 3

—*Law Review and Legal Journal Article Research* 4

—*Legal Forms* 4

New 9th Circuit Rules re: Unpublished Opinions 2

Law Review Articles Now Searchable Online in Library 2

Google now offers a Search Engine for U.S. Patents 2

Special points of interest:

- * *Librarian's Corner* 2
- * *New Book Notes* 3
- * *Research Hint: - NetLingo's Guide to IM Acronyms* 3
- *

QUICK (OR NOT SO QUICK?) ANSWERS TO COMMON LEGAL RESEARCH PROBLEMS

The University of Montana School of Law developed a traveling legal research program which has become an important part of the Montana State Bar's traveling CLE "road show" each year. One of those programs was developed by academic law librarian Stacey L. Gordon. She conducted a survey of other librarians about which type of questions are predominant and then provided resources/answers that can be located for free on the internet.

This started me thinking about the most common questions that we encounter here—some almost daily. My list would be a little different, but many of the sources recommended would be the same. So here we go:

1) How to do a legislative history— anyone wanting to trace the history and changes to a particular Oregon or U.S. statute is always flummoxed by the multiple sources needed to accurately track legislation. Compiling a legislative history often starts with a current statute, and then tracking back, often through multiple legislative sessions (and published bills, committee reports, financial analyses, legislative journals, etc.) to see how and why the statute changed, or if any statement of legislative intent was ever included by Congress or the state legislature.

For **federal information**, there are several sources for tracking recent (i.e., since 1990) histories and chronologies of federal legislation. The Law Librarians' Society of the District of Columbia has developed an interactive web guide, which

describes many of the sources available for free online and how to get to them. To get to this guide, go to:

<http://www.llsdc.org/sourcebook/fed-leg-hist.htm>

Another great source, used for teaching college students about this, is at the University of Washington's law library's web site:

<http://lib.law.washington.edu/ref/fedlegishist.html>

Many of the sources listed on this last website, such as Thomas (the online service maintained by the Library of Congress) have links directly embedded in the page, so you can jump right to them. Or you can reach most of them through the U.S. government's portal, at:

<http://www.usa.gov/>

As for Oregon legislative histories, there are a number of really great guides available from Oregon law school libraries that can serve as a starting point for someone wanting to do this type of research. At the University of Oregon's law library, there are a number of research guides on Oregon legislative history, and:

<http://lawlibrary.uoregon.edu/guides.html>

Other official sources for committee hearings, reports, chronology of bills, etc. can be located at the Oregon Legislature's web site, which offers a citizen's guide that explains the process (most work in Oregon is done in committees rather than in full sessions of either house). The citizen's guide is at:

<http://www.leg.state.or.us/citizenguide/>
cont. on page 3



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LIBRARIAN'S CORNER:

Since National Library Week is on the horizon (and my recent humor transplant having failed yet again), I am offering the following 5 points, to answer comments about "free" Internet resources trumping the use of libraries (and books) - an urban legend that won't die!

Five Reasons Why You Cannot Afford to be Without A Public (Law) Library!

1) **Law Libraries provide access to online resources that individuals cannot afford for themselves!** While Google and other search engines can do a lot, these sources find less than 10% of what is "out there". Commercial databases, which organize information for easier searching, are a much more efficient resource, saving hours of trawling through sites found on Google. Sometimes the best information is NOT FREE. Public (law) libraries offer access to many commercial (read: enhanced searching!) databases for only the cost of printing documents. We select services that provide ease of use and important content for our users; these are "cost-effective" for us because their use is spread over hundreds of users.

2) **Searching skills are only as good as one's experiences with the web and librarians are some of the most skilled web researchers available!** Think of the Web as a giant haystack and the information you need as a needle. If more than 90% of information on the Web is "below the surface" that most search engines surf, then consider using the skills of an expert at snorkeling—a librarian. Librarians love looking for information—and often find it hard to stop searching until restrained.

3) **On the internet, no one has authority to verify, authenticate or review information.** Libraries exercise "quality control" by selecting reputable and authoritative sources for their collections (or their web sites). Information on the Web is often incorrect, biased, or simply the equivalent of someone's vanity plate. As one librarian recently commented, "Any fool can put up anything on the Web, and...all have."

4) **Not everyone has access to the web.** Many governments are now issuing reports exclusively in electronic form, but ignoring the fact that many citizens do not have easy access to web-based information. Public (law) libraries are one of the few places working to equalize that oversight—and to keep everyone enfranchised.

5) **Why reinvent the wheel?** In a library, you will likely encounter someone who has already dealt with your question. Share the human interaction—plus learn what books can actually offer, often a more focused dose of information than most Web



Linda Falken

provided by pages!

New Ninth Circuit Rules re: Unpublished Opinions

The Ninth Circuit has issued new rules, effective January 1, 2007, which define how its unpublished dispositions and orders will be treated, in light of recently approved changes to the Federal Rules of Appellate Procedure (FRAP 32.1—to permit citation of pre-January 1, 2007 unpublished opinions) To view these, go to:

<http://www.ca9.uscourts.gov/ca9/Documents.nsf/FRAP+and+Circuit+Rules?OpenView>

and open the document on Circuit Rule 36-3, on "Citation of Unpublished Dispositions or Orders". (You will need Acrobat to open this.)

Law Library Adds Full-Text Searching for Law Review Articles

The Lane County Law Library has added another database resource, for searching legal literature. (no fee for its use, but printing costs \$.20 per page). HeinOnline is a service that provides a search engine which indexes the full-text of articles from hundreds of major law reviews in the U.S. Also included are professional journals from many national and state bar associations. This service is available on the public access computers in the Law Library, and training sessions are also offered by library staff. Call 682-4337 for information on this service, or check out the training calendar for the latest month's schedule of classes available in the Law Library, at:

http://www.co.lane.or.us/CC_LawLib/

GOOGLE NOW OFFERS PATENT SEARCHING

Google recently began promoting their latest specialized search engine, which searches U.S. government patent databases, using Google's trademark search engine capabilities. The results offer some details and links to actual patent documents in the U.S. Patent and Trademark Office's database, which is now online at:

<http://www.uspto.gov/patft/index.html>

The Google feature offers an abstract and images from patents, plus an active link into the actual online government record. To get to this feature, go to: www.google.com and select "More" then "Patents."

If you are unfamiliar or not comfortable with the search engine at the USPTO, you might try this out instead. However, I recommend using the "Advanced Searching" screen to focus your search by date or keyword.

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:

BUTTERWORTH'S SPANISH/ENGLISH LEGAL DICTIONARY, (LexisNexis) c1991 (2 vols.) call number: **K52 .S6.C33 1991 REF**

THE DEVELOPING LABOR LAW, ABA Section on Labor Law (BNA Books) c2006 call number: **KF 3369 .B56 2006 TRE**

JUDGES SAY THE DARNEST THINGS, comp. by Fred Shackelford, (Wm. Hein) c 2004. call number: **K 184 .J83 2004 REF**

MANUAL FOR COURTS-MARTIAL, U.S. Jt. Svcs. Commission (U.S. Dept. Defense), c2005. call number: **KF 7625 .M36 2005 TRE**

MOORE'S FEDERAL PRACTICE: E-DISCOVERY: THE NEWLY AMENDED FEDERAL RULES OF CIVIL PROCEDURE, by Shira Scheindlin, (LexisNexis) c2006. call number: **KF 9650 .S38 2006 TRE**

WAGE AND HOUR LAWS, 2006 ed. Oregon Bureau of Labor and Industries, c2006. Call number: **KFO 2734 .H468 2006 OR**

Research Hint: NetLingo's Guide to Text Messaging

In case you are not a member of the "instantly connected" generation, you will occasionally encounter acronyms on the Internet that you cannot unravel. For a really handy source for figuring out what someone means when they accuse you of being "AAK" (asleep at the keyboard), go to:

<http://www.netlingo.com>

and check out the convenient **Internet Dictionary** that is featured here. This also provides a guide to deciphering "emoticons" - those little annoying smiley faces and other symbols that often pepper other people's e-mails. However, one REALLY important feature for any parent with teenagers who text message all the time is NetLingo's List of "**Top 20 Internet Acronyms Every Parent Needs to Know**". (example: P911 = "parent alert")

Many of the acronyms in the main dictionary range from irreverent to obscene, so fair warning to those who venture here. But since the original idea behind using acronyms was to develop a shorthand method for getting common expressions or thoughts across (with fewer keystrokes), many of these are useful to know. (Warning: As a member of the Boomer generation, some of these expressions will have a different meaning for you than for a Gen-Xer or later. AAS!)

QUICK ANSWERS, cont. from p. 1 -

From that page, you can connect to other pages with information (view the tabs offered at the top of each page). **Bills/Laws** will allow you to search for the text and history for all bills in biennial sessions of the Legislature since 1995. The **Committees** tab will link you to specific online files of legislative committees, including audio files of hearings, committee reports issued, and membership of committees during a specific legislative session. For materials from sessions before 1995, you will have to consult a law library or the State Archives for copies of documents related to the legislation you are tracking. Go to: <http://arcweb.sos.state.or.us/banners/legis.htm>

2) Finding Administrative Decisions or Rules

This question is one of the most common that we handle here. The third branch of government within our system (either federal or state) consists of administrative agencies (official agencies, created by legislation or executive order, i.e., the NSA was created in 1952 by a memorandum order signed by then President Truman. The regulations and decisions within these agencies often impact how legislation is interpreted, and are sometimes themselves challenged by suits filed in another branch of government, the courts and judiciary.) The most important question here is to determine what level of government (i.e., federal, state or local) has jurisdiction or authority to issue rulings on a particular matter.

The quickest way to find a recent rule or decision by a federal administrative agency is to go directly to their main web page. Rules and regulations (such as those for the EPA) are often listed here first, sometimes even before appearing on other government web sites, such as the Federal Register. And in many instances, recent and historical decisions by the agency (i.e., Board of Veterans' Appeals decisions) can be found exclusively on their web page first. To find the web page for an agency (federal, state or tribal), go to: <http://www.usa.gov> and use their agency A-Z index to locate the appropriate agency. The advantage of this source is that it links to state, local and tribal web pages as well, so that you can find more than just federal agencies at this site.

For federal rulings (and proposed regulations) you can go to the Federal Register, at:

<http://www.gpoaccess.gov/fr/index.html>

The codified regulations for federal agencies are available in the Code of Federal Regulations, at:

<http://www.gpoaccess.gov/cfr/index.html>

(These services are also available in commercially-provided databases, such as WESTLAW, Lexis and HeinOnline. The search engines provided by commercial vendors are much more efficient than at the free government website, but are also only available for a fee. However, the Lane County Law Library does provide access to HeinOnline at no cost to users.)

continued on p. 4

QUICK ANSWERS, cont. from p.3

If you are interested in finding either published regulations or an administrative code for another state, you can use the National Association of Secretaries of State (NASS) site for administrative codes and registers for most states. This can be found at: <http://www.nass.org/acr/internet.html>

Administrative rules for Oregon can be found at the Oregon State Archives web page, at:

<http://arcweb.sos.state.or.us/banners/rules.htm>

Recent issues of the Oregon State Bulletin (the state equivalent to the Federal Register) can be found at:

http://arcweb.sos.state.or.us/rules/bulletin_default.html

For administrative decisions and other publications or actions (such as manuals) by federal agencies, there is an excellent index which links to various federal agencies through their FOIA offices. This index is maintained by the University of Virginia's library:

http://www.lib.virginia.edu/govdocs/fed_decisions_agency.html

For Oregon agency decisions, you can use the Oregon government's web page at: www.oregon.gov and from there, go to a list of agencies by using the "Agencies A-Z" link. However, in Oregon, the Office of Administrative Hearings (and the administrative law judges within this agency) handles agency hearings for several departments. So you might want to check out the list of hearings available through that agency first. If decisions are available at an agency's web site, these are often listed under "Decisions" in the menu page on the left of the screen. (Hint: Tax Court decisions and orders, although they originate from appeals from decisions within the Department of Revenue, are handled by a separate court in Oregon, under the Oregon state courts' web page:

<http://www.ojd.state.or.us/courts/tax/index.htm> and click on "Decisions, orders, etc."

As for executive orders by the Governor, these are available through the Governor's office web page at:

http://governor.oregon.gov/Gov/exec_orders.shtml

3) Finding Legal Articles or Law Reviews Online

Most law reviews do not provide free access to their contents, although there are on-line indices for tables of contents, etc. The full text of most law review articles, in many instances, is only available through a direct subscription to the title or through a commercial vendor, such as Lexis, WESTLAW, or HeinOnline. Many law libraries in Oregon do maintain a subscription to at least one of these services, but do charge for printing materials downloaded from them. Lane County Law Library maintains a subscription to HeinOnline, available on two of the public computers in our library, which has a vast historical collection of full-text articles from thousands of law

reviews, as well as practice and bar journals. The University of Oregon's Law Library also maintains a subscription to this, although a university library card is needed to use it.

However, some law reviews, including the Oregon Law Review issued by the University of Oregon Law School DO provide an archive of full text articles for their law review issues, but these are limited to perhaps the last 5 years of publication. Check out the web page for a law review title, to verify what is available online—you may save yourself a trek to a law library.

An internet-based site for searching tables of contents (not full-text) for law review articles for FREE, can be found at the Tarlton Law Library website, at:

http://tarlton.law.utexas.edu/tallons/content_search.html

4) Finding Legal Forms Online

This is the most common question that we get, and my immediate response is, in regards to Oregon court forms, **be very careful!** Except for forms found at official court or government web sites, law librarians will not "endorse" any online source for forms for a court proceeding, nor direct users to any internet sites offering forms for sale by commercial vendors. (All I can say here is, buyer beware!)

Besides printed sources by the Oregon State Bar, which sometimes provide examples of particular types of forms (see our online catalog for a list of OSBA CLE publications in our library—searchable from our website which is on p.2 of this newsletter.), there are a few sources available; for forms appropriate to a particular county's Circuit Court, there are some standardized forms available through the State Court's web site. Go to: www.ojd.state.or.us and click on the FORMS tab at the top of the screen. This page contains a pull-down menu of various types of standardized forms available. But read the disclaimer about local variations for these forms and check out the county circuit court's web site for others. (Use the pull down menu under COURTS to find local courts.)

Legal Services of Oregon's web site does offer some help for self-represented litigants who are filling out family law/divorce forms. These instructions can be found at:

<http://oregonformshelp.org>

Finally, Washburn University School of Law has developed a website with links to Oregon government (and some court forms):

<http://www.washlaw.edu/legalforms/>

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

Margaret Mead, U.S. anthropologist (1901-1978)