

DE NOVO

The Newsletter of
The Law Library of Louisiana

Volume 1, Issue 4

Sept/October 2002



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Law Library of Louisiana Hours

- Monday—Thursday
9am-9pm
- Friday and Saturday
9am-5pm

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800-820-3038

www.lasc.org

At your service:

Carol Billings- Director
Catherine Lemann- Associate Dir.

Georgia Chadwick - Librarian
Marie Erickson - Librarian
Cathleen Richards - Librarian
Janice Shull - Librarian

Gregory Duhe - Library Associate
Ruth Mahoney - Library Associate
Jason Kruppa - Library Associate

TIGHTENING THE BUDGET BELT

By: Carol Billings

Remember when many of us naively assumed that the electronic information revolution would make legal information cheaper to acquire? By now we know that whether we acquire it in the print medium or the digital medium, legal information seems destined to remain expensive.

The very nature of our legal system, dependent upon both precedent and constant change, necessitates the relentless publication of legislation and judicial decisions. A law library like ours, that strives to serve a varied constituency, must buy or provide access to the latest information resources emanating from the federal and state courts,

fees for photocopying, mailing and faxing copies to users, and Lexis and Westlaw searches performed by librarians. The library's total appropriation for fiscal year 2002/03 is \$1,376,515, an increase of \$63,863 (4.86%) over the previous year's budget.

Operating Funds

A breakdown of the \$1,312,652 expenditure of appropriated funds during fiscal year 2001/02, reveals that 46% was needed to operate the library. That includes providing 13 staff members (6 professional librarians, 3 library associates, and 4 part-time law and undergraduate students) to

LexisNexis and Westlaw to include the periodical indexes InfoTrac and Wilson Web, Hein Online offering full-text law review articles, and Marcive for finding federal documents. We pay monthly flat rates for LexisNexis and Westlaw usage and annual access fees for most other online products. Microfilm and microfiche materials constitute the smallest portion of our information expenditures.

Court Needs

The library's appropriation buys not only the print and electronic information products offered in the library to attorneys and members of the

...whether we acquire it in the print medium or the digital medium, legal information seems destined to remain expensive.

legislatures, law schools, and legal publishers. Getting the most bang for the buck is our goal. Since this is the time of year when the library submits its annual budget request for the new fiscal year beginning the following July, we thought our readers--as both library users and state tax payers--would like to know how much it takes to keep our library running in the style you expect.

Appropriated Revenue

Ninety-eight percent of the law library's revenue is appropriated by the Louisiana State Legislature upon approval of the Supreme Court's portion of the Judicial Appropriation Bill (Act 53 of the 2002 Regular Session). The remaining revenue is self-generated by the library through

select, purchase, process, catalog, maintain, and preserve materials, give reference and research assistance, and carry out administrative duties. It also includes everything from postage, printing, supplies, telephone and continuing education costs to buying and maintaining equipment.

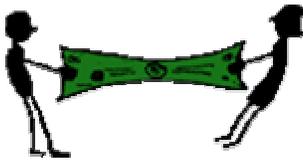
Information Costs

Of course the library's largest expenditure, 54%, was for legal information. In the category of print materials are case reporters, statutes, law reviews and periodicals, loose-leaf services, new monographs, and updates to continuing titles. Our list of fee-based legal information resources accessed via computer has grown steadily from the old standbys

public. All of the continuing print materials needed in justices' chambers and other Supreme Court offices and all of the LexisNexis and Westlaw research conducted by Supreme Court law clerks and research attorneys are paid with the library's budgeted funds. Through careful negotiations with the publishing companies and attention to staff training, we have managed to reduce the court's annual cost for LexisNexis and Westlaw to last year's total of \$74,000.

Frugality Required

Although the current fiscal year's budget is 4.86% greater than last year's, our staff will need to be extremely frugal, even canceling some *Continued on page 2*



Your place or ours?

Is your court, firm or class interested in participating in a Law Library of Louisiana Orientation? For more information call:
 Carol Billings @
 (504) 568-5706

TIGHTENING THE BUDGET BELT CONT. FROM PG 1

continuing subscriptions, to stretch the money for information resources. Relentless annual price increases for legal publications require law librarians to watch price statistics carefully. Not only do we depend upon studies published by colleagues, such as the *Legal Information Buyer's Guide and Reference Manual*, updated regularly by Kendall F. Svengalis, but our Collection Development/Documents Librarian, Georgia Chadwick also tracks our own payment records. A few sample prices will illustrate the reason for our concerns. In the six-year period since 1996, the price of a volume of the *Southern Reporter 2d Series* has increased by 75% (an average of 10% annually) from \$58.75 to \$102.75. The annual pocket parts and index volumes for the *Louisiana Statutes Annotated* have risen in price by 58%, or about 8% over each of six years, from \$463.65 to \$734.00.

More Volumes

Not only has the per-volume price of many sets risen, but also the number of volumes published each year has grown. Tracking the publication of the *Federal Supplement* over the past six years

reveals that the cost of a volume climbed from \$34.50 to \$60.50, a whopping 75%, and while 37 volumes were added during FY 1996/97, 50 volumes arrived during FY 2001/02. During the six year period 267 new volumes had to be purchased. The situation was similar with the *Federal Reporter*. Thirty volumes, each costing \$34.50, reached the library during FY 96/97, and by FY 2001/02 the number has risen to 38 volumes, each billed at \$60.50. Like the *Federal Supplement*, its cost had escalated by 75%, or an average of 10% each year. We added 205 volumes of the *Federal Reporter* in six years' time.

Ten Percent Hike

The rapidly escalating cost of these court reporters--and similarly their sister titles in the National Reporter System--at an average rate of 10 percent a year means that our more modest budget increases simply cannot keep up. Although our appropriation for this fiscal year exceeds last year's by \$63,863 (4.86%), at least \$39,892 of that will be needed to cover mandated expenses other than information purchases. That leaves a

maximum of only \$23,971 to cover all price increases for continuing information products and any new titles. If every cent of that were used to buy information, it would represent only a 3.34% increase over last year's expenditure--a far cry from the 10 percent average increase in many essential titles.

Comments Welcome

We hope that this explanation will give our regular users a better understanding of our budgetary situation and the reasons why we are always looking for ways to save money. In order to buy new things and provide new services--like the printing and distribution of *De Novo*--we will appreciate your comments and advice about seldom-used titles that we might eliminate or offer only via electronic access. And of course we shall be grateful for your membership in the Friends of the Law Library. Your dues will help us to continue services and resources that might otherwise fall to the budget ax.

NEW ORLEANS ASSOCIATION OF LAW LIBRARIANS (NOALL) MEMBERSHIP DRIVE



Visit NOALL on the web @ <http://noall.aallnet.org/chapter/noall/>

NOALL, New Orleans Association of Law Librarians, a non-profit chapter of the American Association of Law Libraries, is having a membership drive! NOALL was founded in 1983 and exists to further the interests of persons in the New Orleans and surrounding areas working in or with law libraries. Membership is comprised of law librarians from the area's law school, court and law firm libraries, as well as library assistants, paralegal, legal administrator, attorneys, and legal information vendor representatives. NOALL also extends membership to library and law school students with an

interest in law libraries. Meetings dates are set in the fall and are held monthly, except in summer. Membership in NOALL offers several benefits. You are given the opportunity to network with other professionals in the area, share resources, and to attend workshops and/or topical talks. All active NOALL members are eligible to apply for NOALL Scholarships. For more information about NOALL visit: <http://noall.aallnet.org/chapter/noall/> or email crichard@lasc.org for more information.

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2002-2003

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- Secretary
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- Treasurer
 Georgia Chadwick

The Court Corner at the Library by: Janice Shull

★ ★ ★ ★ ★ ★ ★ ★ ★ ★
 ★ Do you have any ★
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 ★ Or suggestions? ★
 ★ Story ideas, com- ★
 ★ ments? Something ★
 ★ you would like to see ★
 ★ included? ★
 ★ Please feel free to ★
 ★ email them to: ★
 ★ Cathleen Richards ★
 ★ crichard@lasc.org ★
 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

In the last issue of De Novo we highlighted the State Justice Institute collection as a particularly useful, but little known, resource for judges and court staff. Next to the State Justice Institute (“SJI”) section in the library is another small but useful collection of materials directed primarily at the Judicial Administrator’s Office, thus its moniker of “JA” Collection.

The library has recently acquired a number of titles in the area of court administration and improvement of the justice system. They are listed below under four topics which are currently receiving a great deal of attention: Drug Courts; Judges and Judicial Ethics; Juvenile Justice, and Pro Se Representation. Anyone employed by a Louisiana court may request to borrow one of these titles. Please call 504-568-5705 or 800-820-3038 for assistance with your request.

Drug Courts

Freeman-Wilson, Karen. Ethical considerations for judges and attorneys in drug court. Washington, DC: U.S.

Department of Justice, 2001. KF 8779.E83 2001

Roehl, Janice A. Self-evaluation tool kit for juvenile drug courts. Pacific Grove, CA: Justice Research Center, 2002. SJI KF 9794 .R64 2002

Judges and Judicial Ethics

Hanson, Roger. Changing the role of a judge and its implications. Williamsburg, VA, 2002. SJI KF 8785 .H35 2002

Kelso, J. Clark. A manual for judges and court managers about judicial involvement in legislative processes. Sacramento, CA: Capital Center for Government Law and Policy, 2002. SJI KF 8732 .K45 2002

Juvenile Justice and Family Courts

Children and families in court: a compendium of programs, practices and resources in state courts. Denver: National Center for State Courts, 2002. SJI KF 505.5 .C48 2002

Keith, Ann L. Expediting dependency appeals: strategies to reduce delay. Williamsburg, VA: National Center for State Courts, 2002. SJI KF 547 .K45 2002

Sack, Emily. Creating a domestic violence court: guidelines and best practices. San Francisco: Family Violence Prevention Fund, 2002. SJI KF 505.5 .S23 2002

Pro Se Representation

Access to justice: meeting the needs of self-represented litigants; executive summary. Williamsburg, VA: National Center for State Courts, 2002. SJI KF 8840 .A23 2002

Zorza, Richard. The self-help friendly court: designed from the ground up to work for people without lawyers. Williamsburg: National Center for State Courts, 2002. JA KF 8841.Z65 2002

If you are interested in memorializing a family member, friend, or colleague in this way, please contact the library.

A Lasting Memorial

In honor of the late Judge Thomas J. Kliebert, former Chief Judge of the Louisiana Fifth Circuit Court of Appeal, the Lemmon family has donated to the library as a memorial *The Oxford Handbook of Jurisprudence and Philosophy of Law*, edited by Jules Coleman and Scott Shapiro (Oxford University Press, 2002). Judge Kliebert, who earned his bachelor’s degree at Tulane and his J.D. at Lovola.

first served on the Fourth Circuit Court of Appeal, and then became an original member of the new Fifth Circuit when it came into existence in May 1982. He retired on October 10, 1995, and died on May 30, 2002.

The Oxford Handbook of Jurisprudence and Philosophy of Law comprises two dozen articles on major topics in legal

philosophy written by distinguished law professors. The library is grateful to the Lemmon family for choosing this thoughtful memorial gift, which will benefit our users for many years to come.

DON'T KNOW MUCH ABOUT HISTORY? A LOUISIANA LEGAL HISTORY PRIMER

BY: CAROL BILLINGS

Leading up to December 20, 2003, the bicentennial of the signing of the Louisiana Purchase, citizens of our state are planning dozens of commemorative events--everything from scholarly conferences to small town re-enactments--to be staged throughout the coming year. That interest in our early history is strong is evidenced by the large audiences who have been attending this fall's Louisiana Purchase Bicentennial Lecture Series featuring University of New Orleans history professors. Thus we assume that many *De Novo* readers may be interested in reading more about Louisiana's early legal history. In forthcoming issues we will focus on various sources for a study of Louisiana's colonial, territorial and early statehood periods. This time we will suggest several relatively recent historical works that provide a good background for more in-depth reading.

An ideal place to start one's exploration of Louisiana's legal history is with the most recent book on the subject. *From Chaos to Continuity: The Evolution of Louisiana's Judicial System, 1712-1862* by Loyola history professor Mark F. Fernandez, was published by the LSU Press in 2001. Professor Fernandez represents a new wave of historians who have begun analyzing Louisiana's legal past from fresh perspectives. Arguing that civil law scholars' "emphasis on the subtleties of the

civilian jurisdiction has obscured contributions of the common law to Louisiana's legal heritage," he reveals how the chaotic development of the Supreme Court shaped our mixed jurisdiction. Before launching into the 1812 Constitution's provisions for the Supreme Court, however, Professor Fernandez gives us an excellent introduction to the preceding century, beginning with Louis XIV's grant on September 16, 1712 of letters patent to Antoine Crozat. As he leads the reader through the French and Spanish colonial administrations, we are made aware of the plethora of sources that were drawn upon to create Louisiana's laws and legal traditions.

Another 2001 LSU Press book edited by Fernandez and UNO Professor Warren M. Billings is *A Law Unto Itself? Essays in the New Louisiana Legal History*. Fernandez's introduction to this collection by contemporary historians summarizes the major themes and trends in the portrayal of our legal past by both "gentlemen scholars" and modern academic law professors and historians. The book's nine essays cover a range of law-related aspects of antebellum Louisiana life--courts and judges, law book publishing, legal education, and the status of slaves and free people of color.

Twenty years ago Professor Edward Haas, then historian at the Louisiana State

Museum, organized a symposium that brought together judges, law professors, and historians. The scholarly papers presented there were published in the book *Louisiana's Legal Heritage* (Pensacola: Perdido Bay Press for the Louisiana State Museum, 1983). Both French and Spanish colonial laws are analyzed, and in his article Professor A. N. Yiannopoulos tackles the perennial burning questions: "Was the law of Louisiana at the time of the Purchase Spanish or French? And were the sources of the Louisiana Civil Code of 1808 French or Spanish?"

A much older but very important scholarly contribution is John H. Tucker's *Source Books of Louisiana Law*, which serves as a guide to the early legal literature. Tucker first wrote his essays for serial publication in the *Tulane Law Review* between 1932 and 1935. When Governor Leche appointed him to the editorial committee to prepare historical notes and aids to accompany the reprint of the *Projet of the Civil Code of 1825*, the writings became the introduction to the *Louisiana Legal Archives* published in 1937. Tucker's copious footnotes elucidate both primary sources and historical works.

In the next issue of *De Novo* we will take up the subject of French sources that contributed to our laws and legal traditions.

Louisiana Legal History
Primer
Resource List
Items available at the Law
Library

From Chaos to Continuity
KFL 78.F47 2001

A Law Unto Itself?
KFL 78.L2001

Louisiana's Legal Heri-
tage
KFL 78.L68

Louisiana Legal Archives
KFL 30.5 .L65 v.1

THE LIBRARY DELIVERS, BUT THERE'S A CATCH OR TWO:

The inside scoop on interlibrary loan by: Marie Erickson

Are you desperately seeking the opposition's expert's publications before you depose him? Do you have a citation to a journal article that isn't on Lexis or Westlaw or in any library you have access to? Do you need a copy of an ANSI or ASTM standard?

Ask us to borrow them for you on **INTERLIBRARY LOAN**. Call 568-5795 in New Orleans or 800 820-3038 from elsewhere in Louisiana.

We can borrow almost anything you can identify, new or old, in any language, on any subject, as long as you can give us enough information. If you have the source of the citation, copy and fax it to us at 504 568-5069. If you don't, we will be able to borrow the item **MUCH FASTER** if you give us the following information:

For **books**, give us the author's first and last names, the complete title of the book, and the edition you want. If you have the publisher or ISBN number (a ten-digit number on the back of the title page, e.g. 0-500-05110-0), that's even better.

For **journal articles**, give us the complete title of the article and the citation (the journal title, and the volume, issue, pages, and date of the article). If you have the author's name or the journal's ISSN number (an eight-digit number, e.g. 0040-5782, which may appear in your citation or on the journal's title-page), that's even better.

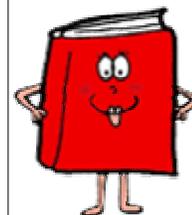
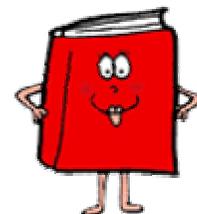
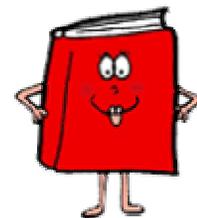
Not sure how good your citation is? Call us. We may be able to figure it out.

COST

We charge \$5 per item over what the lending library charges us. If you want us to fax the item to you, our fax charges also apply. If the lending library will fax the item to you, we will bill you whatever they charge plus our \$5 fee.

THE DOWNSIDE

Interlibrary loan is not a speedy service. Count on a week to ten days from the day we input the request to the day we get the item. Add a day or two for the post office. If you're in a rush, please call, but we can't promise to improve on turnaround time.



At your service... . . . An informative column highlighting one of our library's many services. By: Ruth Mahoney

State Court Opinions

The Law Library of Louisiana receives a paper copy of all opinions rendered by the Louisiana Supreme Court on the day they are released. They are kept on file in the library for one year. The current ones are kept in the library Reading Room, and the older ones are housed in the basement. The Supreme Court opinions are also posted to the Court's website within a day of their release, and they can be read and downloaded free of charge by looking at www.lasc.org. The Library can obtain writ actions for patrons from the Clerk of Court's Office, but we do not keep them on file.

The Law Library also receives opinions from all five of the State Circuit Courts of Appeal, which are kept on file in the library for one year. Each court, except the Fourth Circuit, sends us their opinions designated not for publication. The opinions from the First, Second and Fifth Circuit Courts are available online from their websites, while those from the Third and Fourth Circuits are not online at this time.

Several times a week the Reference Department receives a call from someone asking for an opinion from one of the state district courts. We do not have trial court opinions because they are not published anywhere, not even on Lexis and Westlaw.

However, you may obtain these by calling the appropriate district clerk of court's office.

We will be happy to mail or fax opinions or any other information to you upon request. Generally speaking, this is a self-service library with photocopies being \$.10 per page. It is our policy not to photocopy and mail information to patrons living in the New Orleans area because we simply do not have a large enough staff to perform this service. However, if you are unable to come to the library, we will photocopy and fax information to you at a charge of \$.20 a page to copy and a \$1.00 a page to fax. An additional \$1.00 service charge is added to all of our transactions. Of course, if you live outside of metropolitan New Orleans, we will telefax or copy and mail information to you.



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This public document was printed at a total cost of \$500. 1000 copies of this document were published by the Law Library of Louisiana, 301 Loyola Ave., New Orleans, LA, as the bi-monthly newsletter of the Law Library of Louisiana under the authority of the Judicial Budgetary Control Board.

Federal Depository Library Highlights by: Georgia Chadwick

The Law Library of Louisiana is the place to come if you wish to research the evolution of a federal regulation promulgated by a government agency. The standard procedure is that regulations are first published chronologically in the *Federal Register* which is issued every day the government is working. Then all the rules in force are codified into the *Code of Federal Regulations* arranged by subject. The Law Library of Louisiana holds the *Federal Register* in microfiche back to the first volume in 1936. The library keeps the paper version of the *Federal Register* for the current year. The *Code of Federal Regulations* began publication in 1939, and the library has complete coverage of these regulations in paper volumes. Although both the *Federal Register* and the

Code of Federal Regulations are available at no cost on GPO Access (http://access.gpo.gov/su_docs) and for a fee on Lexis and Westlaw, coverage of older issues is only available in paper. The William S. Hein Company has recently made the *Federal Register* available from 1970 to 1980 through Hein-On-Line and will continue to add older issues to the database.

Although finding federal regulations can be a tedious process, it was much more difficult before Congress enacted legislation requiring the central filing and publication of executive agencies' regulations. The Law Library owns a 1918 publication (Lapp, *Federal Rules and Regulation*, Bowen & Company) which was an attempt to publish regulations

of supreme importance for the guidance of business. It is amusing to find a regulation printed there for "Rules and Regulations Concerning Opium, Manufactured, Prepared or Suitable for Smoking Purposes, Under Act of January 17, 1914". I could not help but notice also that regulations printed in this work are much more readable than many in the current *Code of Federal Regulations*.

Complete holdings of the *Federal Register* and the *Code of Federal Regulations* are a valuable resource of the Law Library of Louisiana. The staff will assist patrons in locating current federal government regulations and with researching their history as well.

