



DE NOVO

The Newsletter of
The Law Library of Louisiana

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Budget Cuts and Rising Prices Force Cancellations

by Carol Billings

The convergence of legislative budget cuts and the relentlessly rising cost of legal information threatens to make both this fiscal year and the next especially difficult ones for the Law Library. This year's appropriation for library "acquisitions," i.e., books, subscriptions for updates, periodicals, online legal research services, and equipment, is less than last year's expenditure. The problem would not be so serious if information prices remained approximately the same, but both our library's own financial records and price indexes compiled by national experts indicate that prices are likely to keep growing at an alarming rate.

The diverse clientele that depends upon our library's resources—Supreme Court justices and staff, the Judicial Administrator's staff, the entire state's judiciary and bar, and the general public—must continue to have access both to traditional print publications complete with the latest updates and to the newer online services that facilitate their research and provide information not in our print collection. Satisfying the research preferences and information needs of library users with such different educational and professional backgrounds represents a challenge for our library staff as we try to stretch the diminishing dollars.

Earlier this month we submitted our budget request for fiscal year 2004/05, which will begin on July 1. We asked for \$887,018 to purchase information products. Only \$10,000, barely more than 1%, is for new titles. Continuing subscriptions for reporters, statutes, digests, treatises, law reviews, and other print resources will require \$765,176, and electronic services such as LexisNexis, Westlaw, LOIS, HeinOnline, and InfoTrac will take \$111,842. The explanation justifying our request contains the alarming revelation that in order to stay within budget this fiscal year (ending June 30, 2004) we will have to cancel \$70,000 worth of continuing subscriptions.

Last year 57% of our expenditure for print publications went to West, the division of the Thomson Corporation that has been the traditional publisher of Louisiana's statutes and court reports. The library's appropriation pays for all print and electronic products acquired for the justices' chambers and other court staff offices. Because multiple sets of Louisiana's primary resources published by West must be maintained, the cost of those titles disproportionately affects our bottom line. From fiscal year 2000/01 to FY 2001/02 our outlay for keeping West publications up-to-date increased by 25%, and from FY 2001/02 to FY 2002/03, the cost

leaped another 27%. In two years' time our West titles escalated 58%! If we were to retain all of our current West subscriptions this year, a 20% price increase would cost us an additional \$75,000. Fortunately other publishers have been imposing price hikes more in the 5 to 10 % range. Still, just in order to remain at a standstill, we anticipate having to cancel \$70,000 worth of titles with a variety of publishers.

Approximately 12.6% of our information request for next year is to support electronic access. We are pleased to have flat rates in place for all of our online products for both this year and next. For LexisNexis and Westlaw research conducted by the Supreme Court's and J.A.'s law clerks and staff attorneys, it is very helpful to have predictable budget numbers. Our contract with LOIS allows us to extend research ability to lawyers and the general public at no charge.

HeinOnline, which provides searchable access to thousands of law review articles, and our newest electronic product, LLMC-Digital, the rapidly growing database of historically important older American

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De Novo Cutbacks

Due to budget constraints, the Library has limited funds with which to publish De Novo this year. Consequently, we are asking our readers to let us know if they are willing to read the newsletter online at http://www.lasc.org/law_lib&legal_res/ in lieu of receiving a printed copy. If you have any questions or comments, please contact De Novo's editor, Jason Kruppa, at jkruppa@lasc.org. δ



Georgia Chadwick



NEW PRICES

Effective Nov. 1

Self service copies

photocopiers \$0.15
fiche/film to paper \$0.25
printer copies \$.25
(no charge for cite lists)

The minimum charge for all orders filled by library staff is \$3.00. Orders for \$3.00 or more use the prices below.

Staff-made copies

photocopiers \$.30
fiche/film to paper \$.50

Faxing: \$1.25/page, plus copying charges if necessary

Postage: actual cost

Interlibrary loans: \$10.00 plus lender charges, if any

Certification charge:
\$5.00 per document

Westlaw/Lexis: Per-minute charges are \$9.00 for regular files, \$12.80 for allfiles, and \$19.00 for super allfiles.

Printing from Westlaw
\$.04 per line

Printing from Lexis
\$7.00 per document.

2003 Federal Depository Library Conference and Fall Depository Library Council Meeting

by Georgia Chadwick

This year I attended my first Federal Depository Library Conference, which is held annually in the fall in Washington, D. C., in conjunction with the fall meeting of the Federal Depository Library Council. The purpose of the FDLC is to provide advice to the Public Printer on policy matters affecting the management and operation of the Federal Depository Library Program. The conference offered three and a half days of informative programs and a chance for depository librarians to participate in often lively discussions of information issues with the Council and the Public Printer.

There is no doubt that the Government Printing Office has made great strides in its goal of disseminating government information in electronic format to the public through the Federal Depository Library Program. Depository librarians are adamant that access to government information remains available to the public at no cost. However, Public Printer Bruce James was intent on discussing the effect that electronic distribution of government information has had on the Government Printing Office sales program. This year GPO closed all of its bookstores

across the country, leaving open only the main GPO bookstore in Washington, D.C. I stopped in the bookstore on my way to the airport and found it a shell of its former self. It is my opinion that there is probably not much reason to keep that bookstore open since most people who wish to purchase government publications do so by ordering online. There is no doubt that disseminating government information electronically has diminished sales revenue for the Public Printer but the Federal Depository Library Program has historically been funded by Congressional appropriation and not by sales of publications. The Public Printer is in a difficult situation but depository librarians should continue to focus on free access in their libraries. Mr. James mentioned that GPO is exploring the option of print on demand for sales publications, which seems to be an excellent idea given the current situation.

The two programs I enjoyed most involved how FDLP libraries make electronic publications available through their OPACS. There has always been depository library community concern with fugitive documents, which are published by government agencies but not made available to GPO for cataloging or distribution to li-

braries. This problem has only increased with electronic documents. The University of Arizona identified an unbelievable number of fugitive electronic documents during their pilot project aimed at offering their users a completely electronic collection of government publications. At the University of Denver the documents librarian makes electronic documents available through his library's online catalog whether they are cataloged by GPO or not. Helping depository libraries make electronic publications available to the public should be a major concern of the Superintendent of Documents.

On the last day of the conference I went on a tour of the United States Senate Library. This library, despite its very limited shelf space, offers its users a wealth of information. The library's complete serial set is housed in the most compact "compact" shelving I have ever seen. The reference staff never has a quiet moment as they field questions received in person, by email or by telephone with great poise and lightning-fast response time. δ

Budget Cuts and Rising prices

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and international legal publications, are important not only from the standpoint of enhanced research capability, but also because they represent a savings of space. The extensive coverage of older materials by HeinOnline and LLMC-Digital will serve as a back-up for the future in the event that space limitations may force us to withdraw infrequently-used print volumes to make room for current acquisitions.

As our staff continues to evaluate our subscription list in search of the \$70,000 worth of publications to cancel, we shall very much appreciate the advice of bar members who regularly rely upon our collection. Many of the multi-volume treatises that receive regular supplementation in the form of pocket parts or pages to be inserted carry high subscription costs. We are very interested to know which treatises or specialized reporters you particu-

larly want the library to continue receiving, and which ones you feel you can do without—at least in print format. If you fear that some of your favorites might be on the "hit list," please call upon us to plead for a reprieve. Both Collection Development/Documents Librarian Georgia Chadwick and Serials/Preservation Librarian Miriam Childs are heading up the effort to save money without doing serious harm to our service. δ

DeNovo Spotlight: General Counsel

Since judges often need legal advice on a variety of matters, the office of General Counsel exists to provide that advice to the Judicial Administrator and the Justices of the Louisiana Supreme Court. Due to the far-reaching nature of the work, part of the office's duties also requires interface with entities outside of the Court.

Here at the Supreme Court, Tim Averill serves as Deputy Judicial Administrator/General Counsel. In that role he reviews proposed policies and rule changes, performs substantive legal research and analysis and drafts memoranda and opinions on legal and policy matters relating to administrative and non-case related legal issues of concern to the Justices of the Supreme Court and to the Judicial Administrator. Tim also provides ad hoc legal and administrative assistance to lower courts and

to managers of the various sections of the JA's office, and serves as a liaison between the Court and the Attorney Disciplinary Board, the Committee on Bar Admissions and the Bar Association. The General Counsel also provides staffing services to various committees of the Court, such as a Supreme Court Committee to Study Financial Assistance to Clients, and The Advisory Committee to the Supreme Court for Revision to the Code of Judicial Conduct. Tim also staffs the Louisiana Judicial Campaign Oversight Committee. The final report of the Oversight Committee is on the Court's website at: http://www.lasc.org/judicial_campaign_oversight/index.asp

As a Fellow of the National Centers Institute for Court Management, Tim received an award of merit from the Institute for a paper on the Civil District Court Pilot Mediation

Program, which the library has in its JA collection as follows:

An analysis of the Orleans Parish Civil District Court pilot mediation program by Timothy F. Averill.

KFL 543 .A98 1994

Attorney Tracy Buccino provides legal research assistance to Tim Averill and also to Deputy Judicial Administrator Tony Gagliano for projects in which Tony is involved. Tracy also reviews contracts the JA's office has with other companies (software companies, for instance) and is involved in negotiating the language of those contracts. She responds to inquiries from the Bar Association or court systems of other states that ask about the status of any number of the Supreme Court's court improvement measures, such as mediation pilot programs, as a means of gauging the development of their own programs. ⚡



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



Tim Averill



Tracy Buccino

Access the library's online catalog:
<http://207.67.203.47/L20013/Index.asp>



Ruth Mahoney

Forms For All Occasions

by Ruth Mahoney

Some of the most frequent requests we receive at the Reference Desk pertain to forms. We can readily answer many of these questions because the Law Library of Louisiana has a large collection of both general and specific formularies to help our patrons. We emphasize that forms are important tools used by lawyers to provide professional services to clients and, because they are not fill-in-the-blanks, we do not mail or fax forms to non-attorneys. However, we will do our best to assist you or your clients in finding the appropriate form if you come to the library.

The General Forms are shelved together in our library at KF 170 and include:

American Jurisprudence Legal Forms, 2d ed. by the West Group. These are general legal forms covering personal, business, state and federal matters and are designed for clients' business and personal affairs as opposed to forms used in court proceedings (examples are a Texas trustee form or an Iowa guardian or conservator form).

Current Legal Forms With Tax Analysis by Jacob Rabkin and Mark Johnson is one of the most respected sets of non-litigation legal forms on the market. It contains forms for all types of personal and business transactions accompanied by practical legal advice. It cites to relevant cases, statutes and regulations. (Examples are collective bargaining forms, creditors' agreements, patents, copyright and trademarks).

West's Legal Forms are general legal forms organized into fourteen individual components accompanied by expert commentary, tax considerations,

notes, and comments. An important feature of this set is the Specialized Forms Section which includes a collection of state specific instruments. (Examples are computer contracts and political contribution forms).

The Federal Forms are arranged together in the KF 8836 area of the library. *American Jurisprudence Pleading and Practice Forms Annotated* is organized under 363 main legal topics and covers all types and phases of civil court pleadings both federal and state. They include pre-trial, trial, and post-trial forms, orders, writs, notices and jury instructions. Most of these forms are taken from the files and court records of practitioners in every state and federal jurisdiction. *Federal Procedural Forms* by West is a comprehensive set of civil, criminal, and administrative forms. This practice-oriented set of forms is for federal judicial and administrative proceedings. It includes court rules, administrative regulations, and annotations. Other important sets are: *Bender's Federal Practice Forms* - a companion to *Moore's Federal Practice*; *Bender's Forms of Discovery*; and *Fletcher Corporation Forms Annotated*.

Louisiana specific forms are kept at the Information Desk and in the Louisiana law section of the library. *The Louisiana Formulary Annotated* was prepared and edited by the Louisiana State Bar Association, and it is a pleading and practice guide for the Louisiana bench and bar. The two-volume formulary includes both civil and criminal forms. The original authors intended this book to be

the "bread and butter" of every day law practice, and judging from its high use at the library, it still is. *A Basic Louisiana Pleadings Guide* by James D. Johnson, Jr., is another popular form book covering basic pleadings in ordinary proceedings in civil personal actions in trial courts of general jurisdiction. *Louisiana Civil Practice Forms* by Susan B. Kohn and Denise PeliJ is a two-volume set of Louisiana Civil Forms most often needed by practicing lawyers. Don't forget the forms in the *Louisiana Revised Statutes Annotated, Code of Civil Procedure Pleadings and Judicial Forms* Volumes 10-12.

If you are searching for a form and can't seem to find it, please ask us for help. Recently we were asked for a receivership form by an attorney and because it is no longer used, it was hard to find. We sent him to the basement to search for it in some of our older or superseded books. He returned very happy to report that he had found his form in *Louisiana Practice* edited by Henry McMahon (1939) and also in *Flemming's Formulary* (1915).

It is important to remember that forms can be found in many practice books, usually at the end of each chapter or in a specific section of the book for forms. Some forms can also be found on the Internet. If you call the reference librarians, they will be happy to help you search for them. δ



Fifty Years of *Brown*

by Miriam Childs

Next year will mark the fiftieth anniversary of the *Brown v. Board of Education* decision, which immediately desegregated the nation's schools. Over the course of a few years, the decision led to desegregation in many areas of American life, due to its overturning of the "separate but equal" doctrine.

The current display in front of the library commemorates the *Brown* decision. The library also recently acquired two books about the 1954 decision: *Brown v. Board of Education: Caste, Culture, and the Constitution*; and *What Brown v. Board of Education Should Have Said*. The first book, authored by Raymond T. Diamond (Tulane), Robert J. Cottrol, and Leland

B. Ware, discusses *Brown's* impact on the role of the Supreme Court and how the decision dismantled the country's de facto caste system. The strategy of the NAACP in the litigation is also a highlight, and key players, such as Thurgood Marshall, receive detailed treatment.

The second title, edited by Jack M. Balkin, is a collection of *Brown* opinions written by modern constitutional scholars, who acted as a mock Supreme Court. The scholars used the same evidence as the justices of the Warren Court to write their opinions. The book provides a thought-provoking view of the *Brown* decision, demonstrating that the issues debated in 1954 still resonate and merit analysis fifty years later.

Below is a list of other titles available in the library.

Blaustein, Albert P. and Clarence Clyde Ferguson, Jr. *Desegregation and the Law: the Meaning and Effect of the School Segregation Cases.*

KF 4155 .B53

Kluger, Richard. *Simple Justice: the History of Brown v. Board of Education and Black America's Struggle for Equality.*

KF 4155 .K55 1976

Wilkinson, J. Harvie, III. *From Brown to Bakke: the Supreme Court and School Integration, 1954-1978.*

KF 4155 .W54

Williams, Juan. *Thurgood Marshall: American Revolutionary.*

KF 8745.M34 W55 1998

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Miriam Childs

Memorial Books

If you are interested in memorializing a family member, friend, or colleague by purchasing a book for the library's collection please contact Carol Billings at 504-568-5706.

Court Technology Conference 8

by Cathy Lemann

In October I spent three days in Kansas City attending CTC8, presented by the National Center for State Courts. It was an interesting experience to see how much technology has affected the practice of law and the administration of courts. There were representatives from trial courts and appellate courts nationwide as well as from New Zealand, Finland, Guam, the Philippines and other countries.

The programs are often examples of how courts solved particular problems. For example, the Indiana and Florida Supreme Courts webcast their oral arguments

as part of their educational outreach effort. The Michigan Supreme Court uses webcasting to provide real time and archived training programs for the 10,000 employees of the judicial branch. E-filing is a big topic.

The exhibit hall had many vendors of technology solutions for courts: case management, e-filing, webcasting, data sharing of various sorts. These are not vendors I would generally come in contact with. I realized how much is done behind the scenes when a case is filed in court.

One of the most interesting presentations was by Peter

Bensinger, described as the "most wired lawyer in America." He demonstrated how to best use video depositions for impeachment, how to highlight or extract portions of documents and display them for a jury or judge. The bells and whistles might be distracting or impress a jury, but they made a real impression on the audience. Members of the American Association of Law Libraries did evaluations of web sites, which was a popular service. It's interesting to examine a court site in detail, particularly when it is not a site I would generally use.

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FRONT MATTER: THERE'S A LITTLE BIT OF HISTORY IN THOSE PAGES



Janice Shull

by Janice Shull

The last time you grabbed a volume of Louisiana Cases to look up a case, you probably turned directly to the pages needed, read them or copied them, and then closed the book. Lurking in the front of the volumes of our state's reported cases is "front matter," those pages identified by Roman numerals which are a primary source of Louisiana's judicial history.

Beginning with the first volume of the Superior Court of the Territory of Orleans reports, Francois-Xavier Martin included a list of the judges of that court and of its successor, the Supreme Court of Louisiana, and the name of the Attorney General. The list of justices continues to be published in every volume of the reports, and is considered to be the authoritative source for information on justices' names and dates served. The name of the Reporter was listed until vol. 119 of the Louisiana Reports (1906-07), and the Clerk of Court was included beginning with vol. 29 of the Louisiana Annual Reports (1877), including the clerks in Opelousas, Monroe and Shreveport when the court was on circuit (1877-1894). In the 1970's the Judicial Administrator and the Librarian were added to the list. After 1973, when *West's Louisiana Cases Reported in the Southern Reporter, 2d series* became the official reporter, the Attorney General's name was no longer included but a list of judges on the Courts of Appeals was added.

Rules and Orders of the court are printed in the front matter as they are adopted by the court. For practicing lawyers, the rules are extremely impor-

tant at the time of publication, but historians study the rules for other reasons. As Warren Billings noted in his book, *The Historic Rules of the Supreme Court of Louisiana 1813-1879*, "...these rules are an insight into how the justices exercised an important portion of their authority, just as they reveal how that authority could be altered in response to changes in the social environment that influenced the evolution of Louisiana law and culture." Prefatory material also tells much about the court's operation, for example the preface by reporter S.G. Glenn in Louisiana Annual Reports, vol. 16, which described the delay in publishing due to the Civil War.

Perhaps the richest lode of historical information lies in the Memorials and other added material in the reports. In 1835 the first Memorial was published, a tribute to the memory of U.S. Supreme Court Chief Justice John Marshall in vol. 8 of the Louisiana Reports. A Memorial to the first Presiding Judge of the Louisiana Supreme Court, George Mathews, was printed in vol. 10 of Louisiana Reports (1837) at the request of the Bar of New Orleans. Thus began a tradition of memorializing the lives of Supreme Court justices. Thirty-four memorials have been published (out of a total of 112 justices on the bench). The style varies from succinct to florid, and one of the more unusual was the eulogy for Walter B. Sommerville: "He is gone. He was no genius. He was not gifted. He was not brilliant... His gifts were the gifts of the ordinary American boy." (158 La.)

The reports have included Memorials for other prominent judges and lawyers, and in recent years Induction and Retirement ceremonies for appellate court judges and supreme court justices have been added. A portrait is usually included with the transcript of the ceremony, and over the years presentations of portraits to the court have occasionally been noted in the front matter.

Two significant sources of judicial history in Louisiana should be mentioned. The publication of the "Celebration of the Centenary of the Supreme Court of Louisiana" in 1913 included "The History of the Supreme Court of Louisiana," written by Henry P. Dart, with biographical sketches of the justices prepared by his son, William Kernan Dart (133 La. xxx-xc). The sesquicentennial of the court occasioned an update of the court's history to 1953, written by Walter Hamlin (222 La. xxxix-lviii).

With so many intriguing bits of history hidden in those pages, how does a researcher find the specific information needed? Front matter is not indexed, although it is usually identified in the Table of Contents. A label on the spine may alert the browser to special material inside the volume. But these are not the most efficient approaches. The library staff has created a table and an index of front matter which is available for anyone interested. Please contact Janice Shull (504-568-5796 or if you would like to obtain a print copy (\$5.00 per copy) or an electronic file for downloading.

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Email: library@lasc.org

We're on the web!!
WWW.LASC.ORG



Cathy Lemann

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Research Guide Revision

by Cathy Lemann

We have revised Research Guide 1, Louisiana Legislative History Research, www.lasc.org/law_lib&legal_res/library/RESGUID1.asp. The revision emphasizes the wonderful improvements on the Legislature's web site that make legislative history easily accessible.

In 1997, the Legislature began to publish, on the Internet, bill status information, versions of the bill, votes, amendments, the digest, history, and more. Go to: www.legis.state.la.us. Look for Session Info at the top of the page. From 1997 to the present, this archive has almost everything you need to look for legislative intent.

The House has video of all House Committee meetings and floor proceedings available via Real Video over the Internet back to 1999. Go to house.louisiana.gov and click on

video archives. Recent years are available on demand and earlier years may be scheduled for viewing.

For pre-1997 sessions, you will still need to refer to the books. Use the bill number, then look at the Legislative Journal and Calendar for the appropriate year and session. The Calendar details the progress of the bill through the legislative process. The Journal lists all hearings, votes, and other actions for each bill.

Minutes of committee hearings may be available from the House and Senate Docket. You will need the bill number. They can also provide a full history, with all versions of the bill, Journal, Calendar and minutes. They charge a fee for copying services.

House Docket 225-342-6458

Senate Docket 225-342-2365

Also take a look in Louisiana Statutes Annotated (West) for any comments after the statute or code article. State Law Institute comments are often published following statutes or code articles. There may be an overview if it concerns a large area of the law that has been revised. There may be references to law review articles that discuss the legislative history. The library also has some committee information from the State Law Institute.

There may be newspaper articles about the legislation you are researching in either the Baton Rouge *Advocate* or the New Orleans *Times Picayune*. We have copies of a small number of Legislative Histories. Ask or call the Reference Desk about searching these sources. **8**

