The $64,000 Question: When Are We Moving?

by Carol Billings

If we’ve heard it once, we’ve heard it a thousand times: When are you moving to Royal Street? For a long time, regular users of our library thought it would never really happen. Out-of-town librarian friends grew tired of asking us. But the Brice Construction Company is working hard and fast to complete renovation of the grand old courthouse where the Supreme Court sat--along with various municipal offices--from 1910 to 1958. The latest predictions we’ve heard are that we should be in our new library sometime in the first half of 2004--only about a year from now.

So we’re ready to let you in on what we know about our new-home-to-be. The Law Library will be located on the second floor of the courthouse, occupying the entire oval on the Chartres Street side as well as the rectangular mid-section of the building that connects to the rectangle facing Royal Street. Other court departments will be housed in the Royal Street side of the second floor.

When library users arrive at the top of the grand double winding stairway or exit the public elevator in the Chartres St. wing, they will be greeted at the library information desk in a large lobby area. Public computer terminals for consulting the online catalog of the collection and other electronic resources will be located nearby along with seating for readers using print materials.

Through four sets of double doors readers will enter the main area of the library where the majority of the collection will be housed in three stack areas overlooking Chartres, St. Louis, and Conti streets. The reference desk in the middle will have librarians on duty to provide assistance. Tables and carrels wired for computers (some provided by the library and some for users’ laptops) will be located in all three areas.

Two special new rooms that our current library lacks are expected to be popular features of our new home. A “computer lab” that can be used for instructional sessions for both court staff and the public will enable our staff to introduce our users to electronic resources and research products. The rare and valuable books that have long resided in the director’s office will have their own climate-controlled Rare Book Room, which will accommodate additional older materials from the stacks. Our staff has also been considering establishing a “popular reading area” in the lobby for law-related novels, recent periodicals, and newspapers.

Of course the staff is looking forward to much-improved work areas with sufficient space to operate more efficiently.

continued on page 2
Loislaw: A Research Alternative

by Cathy Lemann

Many attorneys and courts use either Westlaw or Lexis for electronic searching of cases, statutes, etc. One of the comments we frequently hear is that these services are expensive. As we examine other products that provide access to legal material, we will let you know what we think of them.

The oldest competitor is Loislaw. This product, on CD, is available for use in the Law Library at the public access terminal. Discs include Louisiana cases, statutes, attorney general opinions, and administrative code, U.S. Fifth Circuit cases, and U.S. Supreme Court cases. For most users, the way to go would be to access Loislaw via the Internet at www.Loislaw.com. There are various packages available which can include state and/or federal material as well as treatises published by Aspen.

Each product has different search strategies. It is definitely worth spending a little while looking at the user guide and any help screens. Loislaw uses different connectors and shortcut symbols than either Westlaw or Lexis. Once you learn the method, it should not be difficult to create good searches. If you are familiar with either Lexis or Westlaw, you should be able to create successful searches in Loislaw.

One of the wonderful things about Loislaw is the search template, which sets out various fields that can be searched. This avoids having to learn or remember how to do field searches as you would do in Lexis or Westlaw. If you are looking for all decisions by Judge Wisdom dealing with search and seizure, just plug “Wisdom” into the judge field and “search and seizure” in the majority opinion text field. Because the all fields option is the topmost choice, many people enter search terms there, but I suggest using the majority opinion text box for searches within a case to speed results.

Evaluating and measuring the current collection to determine where various types of materials should be shelved is occupying a great deal of staff effort. Duplicate and unused older sets are being weeded to provide sufficient space for easy access and growth. With the convenience of our readers in mind, the staff aims to shelve in close proximity parts of the collection that are commonly used together—for instance, the regional reporters containing state court opinions near the statutes and other resources from the other 49 states.

We also plan to shelve all Louisiana materials together as well as most federal sources. Tentatively the rectangular stack area joining the oval to the Royal Street wing will contain materials that our users can find easily, such as law reviews and periodicals, and less-frequently-used volumes, such as foreign law.

We are carefully exploring online resources to determine which of our older, less-frequently-used sets that occupy large amounts of space can be replaced by electronic access. New products such as Hein-On-Line, that provides searchable, full-text images of a growing list of law reviews, and the forthcoming LLMC-Digital product (the soon-to-be online version of the 87,000-volume microfiche collection of American and worldwide legal materials from all time periods) are making it possible for us to retain cost-effective access to huge bodies of material that present space and preservation problems. Nevertheless, we treasure our older hard-copy materials and plan to retain as many as possible for the convenience of our users—current and potential.

In the coming months we will appreciate hearing the opinions and advice of our users about the content and arrangement of the collection and services that they would like to have at Royal Street. Don’t hesitate to call on both our staff and our Advisory Board.

Loislaw makes it easy to sign up for a free trial of their product. Go to Visitors on the web site. If you have another service, try running searches in both products to compare results. You will be contacted by a salesperson and I encourage you to tell him or her what you do and do not like about Loislaw.

If you would like additional instruction on how to use Loislaw, please contact Marie or Cathy for help.

THE $64,000 QUESTION continued from page 1
**Remembering Chief Justice Dixon**

With deepest respect the Law Library staff honors the memory of Chief Justice John A. Dixon, Jr., who died in Shreveport on February 22.

Several of us worked here throughout his ten-year term as chief. Justice Dixon and his late wife Imogene were good friends and supporters of the library. One of the greatest events ever held here was the huge, festive reception following his retirement ceremony in 1990. Mrs. Dixon supplied us with wonderful photographs and family memorabilia to create an exhibit for the courthouse lobby about her husband’s boyhood, family, legal career and hobbies. Owing to Justice Dixon’s enjoyment of woodwork ing, a beautiful ladder, which he had crafted, was a highlight of the display.

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**Directory Assistance**

*by Ruth Mahoney*

The Law Library has a large collection of legal directories, many of which are kept in the Reference Department. Because they emphasize specific subjects like courts or courthouses, state officials, federal officials, expert witnesses or lawyers, legal directories are valuable to the researcher because they are easy to use and can save a great deal of time. Martindale-Hubbell Law Directory is perhaps the most well-known example of this type of publication, but there are many more. What follows is a list of just a few of the many other useful directories in our collection.

The *Louisiana Legal Directory* is the official directory of the Louisiana State Bar Association. The Government Section lists federal and state government officials and professional associations, including addresses and phone numbers. The Roster of Attorneys Section is arranged by parish, while the Biographical Section lists attorneys and firms alphabetically by city.

*BNA’s Directory of State and Federal Courts, Judges, and Clerks* contains important information about courts of record in both the federal and state court systems, the District of Columbia, and U.S. territories. Charts throughout the book aid the reader in understanding the structure of the court system and show the path of appeal through the system. Each court entry in the directory contains the name of the court, the court’s judges, and clerk of court. Other useful sections include the Geographic Jurisdiction Index, Federal Court Public Access Services and Nominations for Federal Court Judgeships.

*Louisiana Directory of Cities, Towns and Villages* is a unique little book published by the Department of Transportation and Development. It is a quick reference source for Louisiana statistical information including population, post office, zip code and parish.

*The Louisiana Courthouse Directory* lists all 64 parishes along with the city or town where the parish courthouse sits and a brief history of each parish and courthouse. There are photographs of each courthouse, information on what records are kept and the year the court began keeping them. Courthouse hours of operation, telephone and fax numbers, photocopy charges and tax maps are also included, as well names of nearby hotels and restaurants and a map to the courthouse from the interstate.

*The National Directory of Expert Witnesses* is a national guide to experts, consultants and litigation support specialists. It lists over 1500 experts and consultants in specific categories of technical, scientific and medical expertise. Individuals and organizations listed in the directory pay a fee for their listings, and the publishers have not investigated or evaluated the qualifications of any person or firm listed. This directory may also be viewed online at www.claims.com.

We also have many other directories, so please feel free to call us with any question you may have — the answer may be in a directory!
Spotlight on: Central Staff

The first in a series of articles focusing on various departments and individuals and their functions within the Supreme Court.

by Jason Kruppa

Originally established in 1976 as an experimental project with two attorneys and one secretary to “assist the Court in meeting its crisis of volume,” Central Staff primarily reviewed capital cases and ran the summary docket for criminal appeals. In this latter capacity, Central Staff screened the files appeals to determine which could be disposed of summarily (i.e. without written opinion) and which should receive a full written opinion from the Court (i.e. the regular docket). The staff would then write full memoranda of cases, with the summaries appearing in the Southern Reporter under the designation “affirmed.” This would relieve the judges of having to write opinions on every case, particularly if the issues raised had been clearly dealt with in earlier decisions.

Judges could, of course, choose cases from the summary docket on which to write an opinion, and Central Staff could in turn recommend cases to the judges for opinions, assuring that Central Staff’s office did not become a burial ground of sorts in the interest of reducing the backlog.

By August 1978, Central Staff had grown to nine employees and had become a permanent part of the court. Around 1982 Central Staff’s responsibilities came to encompass review of supervisory writ applications, post-conviction criminal writs and some pre-trial evidentiary issues. The department also currently indexes cases and, as part of its charge, essentially maintains the history of the Supreme Court’s criminal jurisprudence.

Continuing from its initial duties when first founded, one of the department’s most important responsibilities involves death penalty cases. Louisiana state law requires automatic appeal on death sentence cases, and to that end each capital case goes through Central Staff for review. Because the entire case record must be reviewed, and a report researched and written, this process can take about a month. For obvious reasons in cases demanding this much attention, capital case assignments are rotated among the attorneys in the department.

Capital case records must be complete when arriving for review and should include any and all evidentiary material, from voir dire to the entire trial transcript. If only one or two hearings are incomplete, Central Staff will generally find those missing elements on its own and proceed with writing the memos, which are often used by the judges when writing their opinions. If, however, the case is too incomplete, it is returned to the originating parish for refiling.

One such case was that of Henri Broadway (State v Broadway, 753 So 2d 801), submitted by East Baton Rouge Parish in 1999. The record required extensive supplements and, despite a year of work, was eventually so disjointed that Central Staff returned it for refiling. As a result of the Court’s experience in Broadway, and to avoid further confusion in such matters, Central Staff rewrote Rule 1, Section 6 in Louisiana Rules of Court (State), expanding section 6(e) in particular, to provide clearer guidelines.

Since the rule change, which became effective in 2000, every parish has responded favorably except Orleans Parish, which continues to submit cases with significant material missing.

As a department, Central Staff ensures specific, focused review for criminal cases reaching the Supreme Court.

What We’re Up To: Library Staff Activities

Janice Shull, Head of Technical Services, wrote two articles which were recently published: “What I Learned About Preservation from Visits to 30 Libraries and How it Applies to You: Conference Report”, Technical Services Law Librarian, vol. 28, no. 1/2, pp. 32-33; and “Where Do I Find Recent Legislation and Statutory Annotations Published After a Code Volume or Pocket Part?” in Teachable Moments for Students: Perspectives: Teaching Legal Research and Writing, vol. 11, no. 2, pp. 80-81.

As AALL Secretary, Catherine Lemann visited the Minnesota Chapter of the American Association of Law Libraries in St. Paul on February 18. The weather was cold, but sunny. The program was “Alternatives to Lexis and Westlaw.” Catherine gave the attendees an update on news from AALL including information about the 2003 Annual Conference in Seattle and the new Executive Director.
De Novo

Federal Depository Library Highlights

By Georgia Chadwick

One afternoon in first grade my teacher said that everyone should find a book in the classroom and read for a while. I immediately went over and picked up the dictionary. She expressed some concern when she checked on me later and saw my selection, but she left me alone with it. I think I liked that it was so packed with information and there was no plot involving Dick, Jane or Spot.

It should be no surprise, then, that my favorite government publication is the American State Papers, the first part of the United States Serial Set. The Serial Set began publication in 1817 to provide a permanent record of Congressional activity. It is still being published today, although only the regional libraries in each state receive the bound volumes. In 1831 Congress passed an act making a provision for the reprint of Congressional documents to cover the critical gap from 1789 to 1817. The original intention was to print the documents of the 1st through the 14th Congresses, but by the time the set was completed in 1861, some documents from even the 25th Congress were included. The legislation provided that the documents were to be selected under the direction of the Secretary of the Senate and the Clerk of the House of Representatives, and would be published by the private printers Gales and Seaton.

It seems that this would have been a simple project, but the report by the Secretary of the Senate and the Clerk of the House of Representatives, contained in the "Introductory Notice" in the first volume of the American State Papers, indicates that it was an enormous task not only to select the documents but also to prepare them for the press as well.

Until 1817 and the beginning of systematized procedures for publishing Congressional documents, these documents were widely scattered, and many were destroyed when the British burned Washington during the War of 1812.

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.
**RECENT REFERENCE QUESTIONS**

Do you know of an online source for locating Acts of the Louisiana Legislature?

Yes, if the act is fairly recent. The Legislature’s web site, www.legis.state.la.us has Acts from the 1997 Regular Session to the present. Look for Session Info at the top of the page, then choose the appropriate session. Use the drop down menu at View a specific instrument and change it to Act. Type in the act number, hit view and it should pop up.

How do I get a pardon of a felony conviction from 1975? I would like to get all of my rights back, including the right to own a gun so I can go hunting with my son.

R.S. 15:572 provides that the governor may pardon those convicted of offenses against the state upon recommendation of the Board of Pardons. Information about the Pardon Board can be located by searching the Boards and Commissions of the Legislature’s web site, www.legis.state.la.us. There is also information in the Louisiana Administrative Code at LAC 22:V.101. That is available on the Internet at http://www.state.la.us/osr/lac/22v01/22v01.pdf

What are the standards used by the Department of Transportation and Development to determine the priority of repairing ruts in a road?

A search of cases reveals that the DOTD has a maintenance planning manual and/or a manual for maintaining roadways. Contact the Department to determine the specific name of the manual and if it is possible to review a copy.

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**A Heart to Heart Experience**

On Valentine’s Day our staff collaborated with other members of the New Orleans Association of Law Librarians to host a “Show and Tell” mentoring experience for a group of students from the LSU School of Library and Information Science. Over king cake and coffee, each of our librarians explained how their particular job contributes to the grand scheme of library operations. They described how the electronic information revolution has challenged us to rethink how we can best serve our clientele. After taking our guests on a brief tour, we escorted them to the Jones, Walker firm, where head librarian Tina Gambrell and her staff provided a lovely lunch. A panel discussion highlighting various types of law libraries — academic, firm and court/public — was presented by Ms. Gambrell with Tulane documents librarian Katherine Nachod and U.S. Fifth Circuit staffer Ann Middleton.

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**De Novo email**

We are establishing an email notification service that will alert our readers when a new issue of De Novo has been posted on our website. If you would like to receive such notification, send an email message to jshull@lasc.org. In the subject line type: “De Novo email service” and in the body of the message give us your name & address so that we can remove your name from the regular mailing list.

In the interest of reducing our postage and printing costs, if you decide that you no longer wish to receive De Novo, please let us know to remove your name from our mailing list. Please notify us also if your address changes. You may contact the library at 504-568-5796 or 800-820-3038 or send an email to jshull@lasc.org.

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**A New Start**

Acquisitions librarian and De Novo founding editor Cathleen Furlong has accepted a position as law librarian at the Chaffe, McCall law firm. Everyone here at the Law Library of Louisiana wishes her much success in her new endeavor. Her wit and exuberance will be missed.

Miriam D. Childs will be leaving her current position as Serials Librarian at the Earl K. Long Library at UNO to become the new Serials/Acquisitions librarian here at the law library. We will feature librarian Tina Gambrell and her staff provided a lovely lunch. A panel discussion highlighting various types of law libraries — academic, firm and court/public — was presented by Ms. Gambrell with Tulane documents librarian Katherine Nachod and U.S. Fifth Circuit staffer Ann Middleton.

Jason Kruppa will be assuming editing duties on De Novo. Please direct all comments, ideas and winning lottery numbers to him at jkruppa@lasc.org.
Spanish Treasure in Our Library
A survey of historical legal materials from Louisiana's Spanish period

By Carol Billings

Before turning the spotlight on our library's early Spanish resources, we need first to set the stage for their introduction into colonial Louisiana. Preoccupied in the middle of the eighteenth century with a series of imperial wars and continental entanglements, the French decided that they had bigger fish to fry than their colony in Louisiana. To compensate the Spanish Bourbons for their support during the Seven Years' War, France ceded Louisiana to Spain in 1762 by means of a secret treaty. However, it was not until 1766 that the Spanish imperial bureaucracy was in sufficient order to take possession of the colony. Carlos III appointed as governor the inept Antonio de Ulloa, who immediately earned the resentment of the French elite with his autocratic attempts to assimilate the colony into the Spanish empire. A financial crisis turned dissatisfaction into rebellion, and the Superior Council left over from the French regime, acting on the colonists' grievances, expelled Ulloa to Havana.

Carlos responded with brutal force, sending Irish soldier of fortune Alejandro O'Reilly to take command in Louisiana in 1769. The new governor lost no time trying the rebels, earning the sobriquet "Bloody O'Reilly" for executing five and sentencing five others to ten-year prison terms. A talented, decisive administrator nevertheless, O'Reilly instituted reforms that gave the colony a stable government and a means of conflict resolution that lasted until 1803. To replace the French Superior Council he installed the Cabildo and its proceedings. These records were turned over to French Prefect Laussat, who transferred them to the American archives. 

The Law Library of Louisiana owns several titles that include the Code O'Reilly. Gustavus Schmidt, the attorney historian who founded Louisiana's first law school in 1844 (the forerunner of Tulane), translated it for publication in 1 Louisiana Law Journal, No. 1 (1841). It also appears in the American State Papers, vol. 1 Misc., Documents, Legislative and Executive of the Congress of the United States 362-376 (Washington: Gales & Seaton, 1834) with references to Spanish laws. Another source in English is Benjamin Franklin French's Historical Collections of Louisiana, part 5, 269-288 (Wiley &Putnam, 1846-1853). The late distinguished L.S.U. law librarian Kate Wallach explained that the code was "not an orderly arrangement of the body of Spanish law, but merely a digest of the most important Spanish laws applicable to Louisiana."

Although a number of Spanish laws were enacted especially for Louisiana to deal with practical matters such as land and livestock, a far greater combination of laws was declared applicable in Louisiana and Spain's other colonies. One of our library's real treasures is the first edition of Recopilacion de Leyes de Las Reinos de Indias. This compilation of 6,447 enactments dealing with the administration of the colonies was first published in four volumes in 1681 by Julian de Paredes in Madrid. Scholar John Thomas Vance has written that "according to the Spanish and Hispanic-American historians [the Recopilacion] despite its defects deserve to rank higher than anything done in the English and French colonies, because of its humanitarian spirit and the protection afforded to the native subjects of the Spanish crown."

Our staff is often asked what qualifies as the oldest book in our library. The honor belongs to Las Siete Partidas, published in three volumes in 1587. Although a number of Spanish laws were enacted especially for Louisiana to deal with practical matters such as land and livestock, a far greater combination of laws was declared applicable in Louisiana and Spain's other colonies. One of our library's real treasures is the first edition of Recopilacion de Leyes de Las Reinos de Indias. This compilation of 6,447 enactments dealing with the administration of the colonies was first published in four volumes in 1681 by Julian de Paredes in Madrid. Scholar John Thomas Vance has written that "according to the Spanish and Hispanic-American historians [the Recopilacion] despite its defects deserve to rank higher than anything done in the English and French colonies, because of its humanitarian spirit and the protection afforded to the native subjects of the Spanish crown."

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The Louisiana State Museum Historical Center in the old U.S. Mint houses records of the Spanish judiciary. Governor O'Reilly himself established the office of Escribano of the Cabildo, the clerk responsible for preserving the archives concerning the Cabildo and its proceedings. These records were turned over to French Prefect Laussat, who transferred them to the Americans in 1803. They now form an important part of the Louisiana Division of the New Orleans Public Library.

Finally we mention the Treaty of San Ildefonso, adopted on October 1, 1800, by which Spain returned Louisiana to France. Not only our library's visitors, but anyone with access to the Internet may find an English translation of the treaty by going to the website of the Avalon Project at Yale Law School (http://www.yale.edu/lawweb/avalon/ildefons.htm). The site offers the text of many important historical documents.

Visit: www.consumerlaw.org
For information on the National Consumer Law Center's publications.

Visit: www.lasc.org
For information on Nolo's legal self-help publications.
Lobby Exhibit Features Landmark Case

By Janice Shull

It isn’t a fight involving Eminem, or M&M’s in a trademark infringement suit. This “M” and “M” is Marbury v. Madison (5 U.S. (1 Cranch) 137), the first significant opinion to be issued by the U.S. Supreme Court under Chief Justice John Marshall. February 24, 2003 marked the 200th anniversary of the opinion, and in honor of the occasion the library has gathered materials featuring the case and its effect on American society.

The four exhibit cases in the Supreme Court building’s first floor lobby contain much information about the case in which William Marbury sued Secretary of State James Madison for mandamus to force the delivery of Marbury’s commission as Justice of the Peace in New York. The historical background is full of intrigue, tension between the Federalists and the Democratic-Republicans, and competition for power between Congress, the President and the judiciary. Materials on display also portray the life of John Marshall, the third Chief Justice. Marshall has been credited with the fullest expression of the doctrine of judicial review, so basic to the American judicial tradition. For an informed but entertaining presentation of the American judicial tradition at the Supreme Court, we suggest Marshall, the Courthouse Mouse by Peter and Cheryl Barnes. This children’s book tells the story of the court in rhyme and is accompanied by very clever illustrations.

We invite you to take a few minutes to peruse the lobby exhibit and to stop in the library to learn more about this landmark case. Basic information is easily accessible on the internet:

http://www.jmu.edu/madison/marbury/

http://usinfo.state.gov/usa/info/usa/facts/democrac/9.htm


An alternative viewpoint on the significance of the case and the landmark status of Marshall’s opinion is offered at:

http://www.law.com/asp/article.jsp?id=1045793314566