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Museletter: April 1983

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MUSELETTER

LAW SCHOOL LIBRARY

April 1983

V.1, No. 2

Edited by Bill Grady

INTERLIBRARY LOAN

Whenever you find a reference (to a book or journal) that you need and that the Law Library doesn't have, we can attempt to get it for you on Interlibrary Loan. We will handle ILL requests for both law and non-law titles.

Our ILL request form is yellow and is available on the circulation desk. Simply fill out as much information about the item as you have and turn the form in to the desk. We will then try to locate a library with the item and order it for you.

Time:

You should leave sufficient time for us to order the book and for it to be mailed to us. A week is a short time (except for Richmond-area libraries) and 10 working days would be considered closer to average. Copied articles are usually sent faster than books.

Charges:

We must pass along any charges - service charges, copying charges or postage - to the requestor. We add no service charge of our own. If you only want to invest a modest amount in your ILL, be sure to fill out the authorized amount space on our yellow form!!

On the whole, we have had good luck with ILL. Service has been reasonably fast. Local service is excellent. And it is a compliment to our aggressive collection building that each year we need to order fewer titles to supplement our collection.

R.A.L.C. BORROWING PRIVILEGES

The U of R libraries, including the law library, belong to a local organization called the Richmond Academic Library

Consortium. RALC is a cooperative group that, as one of its benefits, has a borrowing pass system. Students are encouraged to use this system to supplement interlibrary loan.

Each RALC library can issue a pass to its students that enables the user to borrow 2 books from another of the RALC libraries. Thus for speed, it may be more practical to take a pass to MCV than to use the ILL system to get a needed book.

Law Students should apply for a RALC pass at the circulation desk. They can only be issued by the Reference Librarian or full-time circulation assistants. Be sure to take your U of R ID with you to the other library.

Participating libraries are: U of R, Randolph-Macon, Union Theological Seminary, VCU, MCV, Virginia Union, Virginia State University and the Virginia State Library.

Law faculty may borrow directly from the above libraries without a pass. However, you must show your University ID. The number of books you may borrow and the length of the borrowing period are governed by the lending institution's policies.

STUDENT ASSISTANTS

We could not operate the library as well or keep it open as long as we do without our student assistants. They give us approximately 150 hours a week of extra help to get our job done.

They do not always get challenging work (filing looseleaf services) or stimulating special projects (packing boxes) but without them, everything would grind to a halt. Each student assistant is responsible for filing looseleaves, shelving books, running the circulation desk, maintaining copy machines and "special projects."

These are our current student assistants:

Law Students: Alice Burlinson
Barrie Burnick
Patrick Kiernan
Cheryl Maccaroni
Kathleen Martin
John Miller
Marianne Nelms
Bruce Paley
Bonnie Stotsky
Mike Ward

Undergraduates: Stephanie Corcoran
Carey Dougherty
Joe Evangelisti
Sara Frazza
Rob Whitney

The library staff would like to take this opportunity to salute them for the excellent work they have done this past year.

NAME OF THE GAME

Certain suggestions have been made for a permanent title for this newsletter. While the editor favors the stark simplicity of "Law Library Newsletter," most of the suggestions have noted our "official name" in the proposed titles. (By the way, that name is: the William T. Muse Memorial Library).

Some suggestions:

| | |
|--------------------------|---|
| Musings from the Library | - the library director |
| News from Muse | - Doug Nabhan (2nd year) |
| Museletter | - a known, but unnamed library staff member |

etc.

Since sentiment is clearly in Dean Muse's favor, we will bow to popular demand. This issue is therefore officially dubbed: MUSELETTER. Many of you may not realize that Dean Muse was also our first Library Director serving from 1931 to 1937.

Ed. note: The Duke Library newsletter is officialy the Duke University Law Library News; that is, D.U.L.L. News. We will make no editorial comments with our own title.

TACKLING TABLES IN THE VIRGINIA CODE

Some of the most frequently asked questions about the Virginia Code (and the easiest to answer) concern finding current section numbers for revised titles or bringing pre-1950 Virginia Code sections into the 1950 Code. Such questions may arise using any state code and also the U.S. Code. Each code has a simple and elegant solution to the problem.

Codes all possess a "Tables" section. It may be in vol. 1, the last volume, in a special volume, or, as in Virginia, in the Index volumes. The extent of each table is determined by how old the code is and how many times it has been revised.

The Virginia Code in v.10, Index (A-C) has 4 tables:

- 1) Table of Comparative Sections: 1919 Code to 1950 Code
- 2) Table of Acts Codified Subsequent to 1948: how each new law is split and where its sections appear in the Code
- 3) Table of Sections Amended or Repealed
- 4) Tables of Comparable Sections for Revised Titles.

The most frequently used table is No.4 for Revised Titles. Suppose you want to find the status of the old §8 - Civil Procedure sections in the new §8.01 - title. Consulting this table will tell you that §8-95 became §8.01-14 and that §8-100 was repealed. This table also handles conversions for all the rest of the revised titles. Transferring from the 1919 Code to 1950 Code uses Table No.1. For example, §3426b became §54-80 of the Code of 1950.

What if you want the exact language of the 1919 Code in its 1938 state? Or the exact words of the 1950 Code before being amended in 1962? The library has a complete set of all pre-1950 Virginia Codes shelved in the Southwest basement. We also have there most (unfortunately, not all) superseded volumes of the Code of 1950 and the individual year pocket parts.

Finally, as to the cryptic parentheticals at the end of each section of the Code: these cite the chapter of the Acts of Assembly that either enacted or amended a particular section of the Code. Our set of the Acts of Assembly is located under the counter right by the Code in the Virginia Alcove. By using the original Code of 1950 volumes and the Acts of Assembly each change in a section can be found - right down to the current version even if our superseded Code volumes or pocket parts have disappeared.

STATE CITATION REFRESHER

Problems often occur in legal research after all the research is done and after the article or brief is written and ready for the typist. Most of these are citation problems. Although the Uniform System of Citation (13th ed.) (the "Blue Book") can answer most of these questions, it is helpful to set out in simplified form some of the major points of state reporter citation. Most of these answers are in the Blue Book §10.3 et seq.

Rules:

There are three rules to accurate citation.

RULE 1 - You must give 2 parallel citations for each state case: an official cite and a regional reporter cite. (Blue Book §10.3.1)

EXCEPTIONS: -NY Court of Appeals and Cal. Supreme Court cases now require 3 citations:
-cases prior to inclusion in regional reporters require one (i.e., pre 1880s).

RULE 2 - Certain states have discontinued their official reporters. These states have only one citation, to the regional reporter. However, this rule requires the court to be specifically identified. (Blue Book §10.4)

For Example: 193 SW2d 29 (Mo. 1976)
391 SW2d 1 (Tex. Civ. App. 1979)

RULE 3 - Sometimes an official reporter is still in press and no parallel cite is available. In this case, the citation must be in this format: _____ Ind. _____, 391 N.E.2d 79 (1981). This form is not to be used for discontinued official reporters.

How to know if an official reporter still exists

Consult the state Tables section in the Blue Book. Each state court has its own table that will tell how many and what citation(s) is required. For example, below are two tables. Indiana still has an official reporter and Missouri's is discontinued.

Indiana

Supreme Court (Ind.): Cite to Ind. or Blackf. and to N.E. or N.E.2d if therein.

| | | |
|-----------------------|-----------|--------------|
| Indiana Reports | 1848-date | Ind. |
| Blackford | 1817-1847 | Blackf. |
| Northeastern Reporter | 1885-date | N.E., N.E.2d |

Cite: _____ Ind. _____,
 _____ N.E.2d _____.

Missouri

Supreme Court (Mo): Cite to Mo. if therein and to S.W. or S.W.2d.

| | | |
|-----------------------|-----------|--------------|
| Missouri Reports | 1821-1956 | Mo. |
| Southwestern Reporter | 1886-date | S.W., S.W.2d |

Cite: _____ S.W.2d _____
 (Mo. 19____)

(But prior to 1956, Missouri will require 2 citations).

Thus, once you know Indiana still has an official reporter, you then begin to track it down.

NOTE: For states without an official reporter, these tables also give the correct abbreviation that must accompany the date in parentheses (circled above). Citations to New York's Misc. Reports also must carry the court's name as well, (Blue Book §10.4). For example:

91 Misc. 2d 81, 391 N.Y.S. 2d 201 (Sup. Ct. 1980).

How to track down the official cite

Sometimes the regional reporters will give the parallel cite above the style of the case. Usually, however, West Publishing Company prints much more rapidly than the states and gives no help. The two recommended methods for finding the cite are: Shepard's (book or on-line) and Auto-cite (on-line).

In Shepard's (book), the parallel cite is given in parenthesis immediately below the page for the case. For example:

| | |
|--|--------------|
| ATLANTIC REPORTER (Pennsylvania Cases) | Vol. 142 |
| 25A2d334 — 793 — 162At 1170 | 91 ATTC 4587 |
| | Vol. 142 |
| | — 134 — |
| | (293Pa 186) |
| | s 39At 51 |
| | 148At 330t |

Parallel official Cite →

NOTE: A PARALLEL CITE IS ONLY GIVEN ONCE IN SHEPARD'S. IT IS GIVEN IN THE VOLUME IN WHICH THE CASE HAS ITS FIRST OCCURANCE.

This may be an old volume, bound supplement, yellow or red paperback. Look back until you hit the correct vintage volume to get your parallel cite.

How to find regional cite if you have official?

Easy. Use Shepard's (book or on-line), Auto-cite (on-line) or the National Reporter System Blue Books (fat books located across the table from Shepard's). For Shepard's (book) be sure to find the correct Shepard's with the first occurrence of the case.

What if you can't locate the official cite?

Recheck two things.

First - Recheck the tables in the back of the Blue Book. Does that state really have a current official reporter?

Second - Be sure you have the Shepard's with the first occurrence of the case.

If there should be an official cite and you can't find it, the most likely reason is that it is still to be printed. Your cite should then read: _____ Ill. App. 3d _____, 521 N.E.2d 89 (1982). This signifies that you recognize the reporter exists but that you have not been able to locate the cite. Ideally all such citations should be recent, that is, within the last year or two.

Except for these recent cases, the lack of an official cite is fairly rare. But it does occur and stems either from a court pulling an opinion in the official report after the Regional Reporter went to press or a case that the official reports excluded.

In a state that has designated West as their official reporter (such as Missouri), the court gets final approval of a decision and may pull it before the bound volume is issued and after the case appears in the advance sheets. These cases disappear completely.

In California, where West isn't the official designated reporter, another problem occurs. By rule (Rule 976, Cal. Rules of Ct. (West, 1983)), if a case is appealed to the Supreme Court, its Cal. App. opinion is withdrawn from the bound official reports, though it will appear in the official advance sheets.

If the Cal. Sup. Court denies the appeal, the Cal. App. opinion is reinstated in the next bound volume. If it accepts the appeal, the Cal. App. opinion dies. Thus in the Cal. Reports there are supposedly no inconsistent decisions. West messes up the theory though by never pulling any California Court of Appeals opinions once printed in its California Reporter. This is one frequent source of missing official citations.

Finally, sometimes, especially in New York's lower courts, the case may not "merit" inclusion in the official reports for a variety of reasons. This will leave you without an official cite and these cases should be cited by Rule 2, above. Such cases occur so randomly that the "why" cannot be generalized.