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MUSELETTER

Law School Library

v.1, no. 4

October, 1983

EDITED BY BILL GRADY

LEXIS Changes Access Method for AUTO-CITE and SHEPARDS

At the direction of the Mead Corporation, our LEXIS terminal has been modified to alter the access method for the citator services.

The large blue key formerly called "AUTO-CITE" has been relabelled "SELECT SERV." The key next to it formerly labelled "CAI" and unusable on our machine has been relabelled "EXIT SERV." These two keys are used to access AUTO-CITE and SHEPARDS.

To use AUTO-CITE, press SELECT SERV.

Type AC.

Press transmit.

AUTO-CITE then functions as before.

Press EXIT SERV to return to LEXIS.

To use SHEPARDS, press SELECT SERV.

Type SHEP.

Press transmit.

SHEPARDS then functions as before.

Press EXIT SERV to return to LEXIS.

You can no longer switch directly from citator to citator, but must always go back to LEXIS first.

RASH OF THEFTS STRIKES LIBRARY

Recently the library has experienced several thefts. Articles were cut out of five law reviews, and Mr. Bacigal's new book on criminal procedure was stolen from reserve. Besides inconveniencing others who may wish to use these materials the thieves have cost this library a great deal of money. It will cost approximately \$185.00 to replace the five law reviews - that is, if the issues we need are still available. The book by Professor Bacigal had to be replaced at a cost of \$61.72. We calculate it would have cost less than \$5.00 to photocopy the journal articles stolen.

Students are reminded that mutilating or stealing library materials is a violation of the Honor Code. These actions are also a violation of the Virginia Code, section 42.1-72, listed as a class 1 misdemeanor punishable by a jail term of not more than one year and/or a fine of not more than \$1000.00.

Preservation of library materials is obviously not a joke, but should be a very serious concern for the entire law school community. Books are the tools of our trade; as lawyers we would be lost without them.

PERSONAL POSSESSIONS: wallets, notes, books, etc. also should be safeguarded while in the library. Thefts do occur. We are open to the public and should not let a false sense of security override prudence. WATCH OUT.

RECREATIONAL READING

Some of the books on recreational reading this month:

"That Damned Lawyer" by Henry Rothblatt - autobiography of a noted criminal attorney who has defended, among others, Xaviera Hollander and the Watergate burglars.

All the Justice I Could Afford by Eugene Goodman - An account of one man's battle against age discrimination which ended in his arguing his own case "pro se" in the Federal Court of Appeals.

Now That the Buffalo's Gone by Alvin M. Joseph, Jr. - A study of the American Indians' history and heritage. This book contributes to our understanding of the social, legal, and political relations between Indians and Whites.

Test & Protest by Norman Silber - This book provides a background on the origins of the modern consumer movement and on such questions as the circumstances when environmental and consumer interest merge.

The Only Living Witness by Stephen Michaud - The story of Ted Bundy, a former law student, who was convicted of murdering three women and suspected of killing at least twenty others.

PLANT INVENTORY

In case you are wondering which plants are where, this list will tell you the name and location of each plant in the public areas of the library. All our plants were paid for by donations and not from current operating expenses.

FIRST FLOOR

Entry planter	Aglaonema & Spathiphyllum
Donor sign	Dracaena "Janet Craig"
"The Tree"	Ficus benjamina

BASEMENT - SW

By carrels	Dracaena "Massangeana"
File cabinets	Mixed Dish Garden
Elevator	Dracaena "Massangeana"

BASEMENT - NE

Stairway	Chamaedorea
Fire Exit	Dracaena "Massangeana"
Elevator	Dracaena "Massangeana"

SECOND FLOOR

Elevator	Spathiphyllum
In stacks	Dracaena "Massangeana"

THIRD FLOOR

Elevator	Dracaena "Warneckii"
Dictionary area	Dracaena "Massangeana"
Fire exit	Chamaedorea

(Dracaena Massangeana is the type with the thick woody stalks).

SMOKERS BEWARE

The Southwest basement (i.e., basement of the new wing) is the only area of the library where smoking is permitted. This limitation is because smoking is harmful both to books and non-smoking patrons.

Unfortunately, the staff has recently noticed signs that patrons are smoking in other areas of the library. Please show some consideration to your fellow library users and limit your smoking to the Southwest Basement. The library may have to prohibit smoking entirely if the current trend toward expansionism continues.

EVENING STAFFERS ARE STUDENTS TOO

In recent weeks, some library patrons have been unwilling to leave the library by the posted closing time. The result is that the evening staff must stay until 11:30 p.m. or 12:30 a.m. to close the library properly.

Please be more considerate of the evening library staff. They are students, too; they need sleep and study time as much as any other student.

The posted closing time means that the books are reshelved, the lights are out, and the doors locked by that time. You should be preparing to leave the library approximately fifteen minutes prior to the posted closing time.

RULES OF COURT

Each state's highest court issues rules of court that regulate the operation of the various levels of court practice within a state. These concern such issues as brief size, time to

appeal, disposition of court fines, and topics similar to those covered in the Federal Rules of Civil Procedure.

The library currently has Rules of Court for all states except Alaska (which is on order). 31 states' rules are published in separate pamphlets that we shelve after their state code on the second floor. The remaining state rules of court are incorporated into the bound state code volumes. Virginia's are available both ways, in volume 2 of the Va. Code and in a separate paperback book: Virginia Rules Annotated, KFV/2929/.V5. This also includes the 4th Circuit and the Eastern and Western District of Virginia local court rules.

Although the federal courts are all bound by the Federal Rules of Civil Procedure, each court has issued its own local rules of court covering the more mundane issues of court practice. These are all collected in the Federal Local Court Rules volumes of the Federal Rules Service, shelved on the third floor at KF/8816/.A2/U55. U.S. Supreme Court rules, and specialized federal courts such as Court of International Trade rules are readily obtainable in the USCA in special volumes shelved after title 28 USCA.

HOT OFF THE PRESS - SLIP OPINIONS

Near and dear to an attorney's heart are cases hot off the press, cases so new that they are only available in typed versions distributed by a court itself. These are called slip opinions. Citing slip opinions is easy, see Blue Book Section 10.8.1. But once cited, attorneys and judges (or their clerks) tend to leave the cites as is and are reluctant to do the spade work to uncover volume and page numbers for the case.

Citers of slip opinions are not as near or dear to law librarians. Nor to subsequent researchers who have to hunt for the case. And if a cite to a slip opinion gets into a bound reporter, the problem will arise again and again for everyone who consults the case.

Below are a few helpful hints on tracking down reporter citations for a slip opinion cite. It is not an easy process.

DOCKET NUMBER: Usually the citation given will look something like this: Jones v. Smith, no. 81-901 (4th Cir., Ap. 30, 1982) or Edd v. Stroat, no. 81-CIV-9119 (W.D. Pa. June 9, 1982). These are DOCKET NUMBERS. Each case as it is filed at the Court's clerk's office is given a sequence number to identify all the documents to the litigation. This is all that a docket number is.

RULE OF THUMB: any case cited with a docket number is not a cite to a printed reporter and the final citation has to be found.

FINDING THE OPINIONS

STATE TRIAL COURTS: Check the level of the court whose docket number you have. Is it an appeals court? If not, it is a trial court. Very few trial court decisions are ever published. Only a few states report any trial court opinions at all. New York and Pennsylvania report the most; Virginia reports none. Trial court files are available to the public at the court's home location but not printed.

RULE OF THUMB: if docket number is for a state trial court, there is no printed decision. Any available material will have to come from the court itself. Direct your inquiries to the clerk of that court.

FEDERAL TRIAL COURTS: With Federal District Courts, the chances are better that the case has been printed. But nowhere near all federal trials produce written and published opinions.

RULE OF THUMB: treat all federal district court cases identified with docket numbers as if they are appeals cases (see below). Don't be disappointed if it cannot be found. A certain number of these district court cases unreported in F.Supp. are available in specialized looseleaf service reporters. However, there will still be much less than 30% coverage of federal trial cases.

APPEAL COURTS: Most appeals court cases on the state and federal level will eventually be reported in bound reporter volumes. Some time may elapse between issuance of a slip opinion and printing. There are cases that take up to a year to be printed.

METHOD FOR LOCATING THESE OPINIONS

1. The Traditional Method

a. Determine what court decided the case - Federal Circuit, Cal. Appellate, Supreme Court of Arkansas, etc.

b. Find the Table of Cases volume(s) of the West Pub. Co. digests that covers that court system. For Virginia, this will be the Virginia and West Virginia Digest; for all federal cases, the Modern Federal Practice Digest 2d, etc. If you are sure of the jurisdiction, it is easier to use the smallest digest available; i.e., for a California case, use the California Digest, not the Pacific Digest or the Decennials (although the same cases will be listed in each).

c. Cases are listed in alphabetical order by plaintiff. Most digests also have a special Defendant-plaintiff index, too; then,

d. Check the pocket part of the Table of Cases (if any), and,

e. Check supplemental pamphlets (if any) that extend the current coverage of the pocket parts.

f. Advance sheets - If the Digest's Tables of Cases do not turn up the case, the next step is to go to the advance sheets for that particular court (F.2d, S.W.2d, N.Y.S.2d, etc.). In front of each advance sheet are 2 Tables of Cases: one for cases in that issue and one that cumulates the rest of the volume. Check the spines of the advance sheets for the last issue of a volume; consult its 2 Tables of Cases. Then go on to the last issue for the next volume, etc. There is no simpler way. If it still can't be found, the case is not yet printed.

2. Using LEXIS

LEXIS can also be used to find these reporter citations assuming LEXIS has input the citation. In the normal course of events, LEXIS will have the slip opinions themselves online within a week or two of issuance. But these will stay with "slip opinion" citation until the West Publ. Co. or the state official reporter assigns the case a citation and LEXIS inputs that citation.

This is a very important use for LEXIS. It can provide you with the cite, and also can provide the full text of slip opinions before they are printed.

To locate slip opinions on LEXIS: choose the correct library (e.g., GENFED) and file for the court you are seeking (e.g. DIST). Enter: Name (Edd and Sloat); press transmit. If the case is online, LEXIS will find it. If it has a reporter cite, LEXIS will give it to you.

ONE CAUTION: UNPUBLISHED DECISIONS

Several of the federal circuit courts issue unpublished decisions. Usually by local court rules these unpublished opinions are not to be cited as precedent. If you see one in slip opinion form, it is stamped "Do not publish." The law publishers agree not to publish them at all - this includes LEXIS. But curiously, the courts print them as slip opinions and will sell subscriptions to them. They can only be obtained from the court itself or from a subscriber who keeps a backfile.

Obtaining Slip Opinions

In our library, LEXIS provides the only way to obtain slip opinions. Actually, the only full cases that should be printed with LEXIS are slip opinions.

If the LEXIS version will not fit your needs, we can obtain copies directly from the courts or their libraries on Interlibrary Loan. But this may take as long as two weeks.

Slip opinions are hard to manage and organize for libraries. They cost too much to obtain and process for their short period

of usefulness. Fortunately, LEXIS saves us from having to subscribe to them and also makes them easier to find.

Slip Opinions of Va. and US Supreme Courts: are available here in printed form as fast as the actual typed slip opinions would be.

Virginia: use the VRR advance sheets shelved after Va. Reports in the Virginia Alcove. These are actually rapidly printed photo-reductions of the slip opinions.

US Supreme Court: two services are available and both produce the opinions within a week of issuance, which is as fast as LEXIS:

1. U.S. Law Week - located on reserve AND on the first floor near the US Reports. This version is preferred by the Blue Book for citation purposes.
2. Supreme Court Bulletin - located next to USLW on the first floor. This is produced from the actual slip opinions. It has been beating USLW in speed by a day or two during the last term of the court.