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Museletter: February 1986

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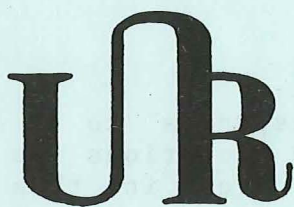


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MUSELETTER

William Taylor Muse Law Library

T.C. Williams School of Law

Vol. 3, No. 1

February, 1986

THE RETURN OF THE "MUSELETTER"

Do you want to know about the Law Library's new policies and future plans? Do you have a suggestion or complaint concerning the operation of the Library? Did you ever have a reference question that you felt was too trivial to ask of a librarian? (Impossible!!!) If the answer to any (or all) of these questions is yes (or even maybe!), you will want to read the Law Library's "Museletter" each month.

Realizing the need for better communications between the Library staff and our patrons, the "Museletter" is being published again after an absence of two years. The original "Museletter" ceased publication for many reasons, not the least of which was the fact that it was almost always boring! (Who can forget those "stimulating" listings of ALL THE LIBRARIES AND FILES CONTAINED ON LEXIS???) While it may be too much to hope that the "new and improved" "Museletter" will take an honored place on your coffee table next to your Smith's Reviews or become a lasting memento of your law school experience, we do hope that it will be interesting and informative.

QUESTIONS & ANSWERS

Better communications is a two-way street and to achieve this goal, much depends on you, the library patron. We need you to read the "Museletter" and communicate with us. To facilitate this interchange, the "Museletter" is instituting a regular column called "Questions & Answers." A "Museletter" box has been placed at the Circulation Desk and we hope that you will load it each month with your questions (dealing with legal reference or Library policies), comments, and suggestions (keep them clean, please!). We will try to field any legitimate questions, no matter how trivial, no matter how tough. Names of those submitting questions or comments will not be published, so don't be shy!

To get the ball rolling, we are publishing responses to a number of the most frequently asked reference questions as examples of the kind of things we would like to address in this column. Here goes:

QUESTION:

Are the Virginia Code and Virginia Code Annotated the same thing? If not, what is the proper citation form for each?

ANSWER:

Although there is only one statutory compilation published for the Commonwealth of Virginia, Michie's Code of Virginia, confusion reigns on this question due to the existence of two widely used citation forms for the Code. In the first, seemingly steeped in tradition and still used by many attorneys, legal educators, and our own Law Review, the Code is cited as Va. Code Ann. In the second form, supported by A Uniform System of Citation, 13th ed., the Code is cited as Va. Code § _____ (19xx). At the risk of offending traditionalists, we feel that the latter form is clearly more correct in modern usage and that the continued use of the citation Va. Code Ann. is improper.

(Continued on page 7)

MUSE NEWS

Another important feature of each month's "Museletter" is the "Muse News" column in which we will present announcements of current interest to our patrons. "Muse News" will attempt to keep you informed of the latest policy decisions, equipment acquisitions, personnel notes, and related matters that will directly affect your use of the Law Library.

Additional Reference Librarian -- Spring, 1986

The Library is pleased to announce that 1981 T.C. Williams graduate Robert G. Murphy, Jr., has joined our staff for the duration of the semester as a reference librarian. Bob, who is nearing completion of the Masters of Science in Library Science degree program at Catholic University, will receive practicum credits toward that degree for his work here. He will be on duty at the Reference Desk Tuesday evenings from 6:00-10:00 p.m. and Sunday afternoons from 1:00-5:00 p.m. The Library is sensitive to the need for professional reference assistance "after-hours," and we are pleased that Bob will be here to provide this greatly needed, albeit temporary, assistance.

Please feel free to see Bob with your questions during the coming weeks.

Microcomputers

When the phrase "user-friendly" was coined to describe computer software, it's a good bet that it was not meant to refer to the inscrutable WordPerfect wordprocessing software currently in use at the Law Library. Please realize that, while WordPerfect is a powerful piece of software, it is not so straightforward that one can just walk in and start typing complex documents without some training and practice. Further, we here in the Law Library have neither the expertise nor the time to help users sort out the complexities of WordPerfect.

We strongly recommend that students interested in using WordPerfect invest the time to take the "Introduction to WordPerfect" course offered by the University's Academic Computing Department. The course is offered, free-of-charge, several times each month at Boatwright Library's "Rainbow Room." Schedules indicating the times of each month's sessions are posted on our computer room bulletin board as soon as they are received from Academic Computing. If you are interested in a particular session, or would merely like more information, you may call Lois Morley at 289-8246 for details. Taking one of these classes may save you (and those of us in Public Services) a great deal of frustration.

NOTE: Classes are also periodically offered on advanced wordprocessing techniques (such as "Mail Merge"). These too are listed on the posted schedule in our computer room.

Letter-Quality Printer Problems

The letter-quality printer (LQP02) attached to terminal #3 in our computer room can, under the best of circumstances, provide users with extremely high-quality printouts of their work at very little cost. Under the worst of circumstances, students have discovered to their chagrin, this printer can produce beautiful-looking documents printed in a language unknown to man. It has even been known to refuse to produce anything at all! Generally, users find that their results with the LQP02 fall somewhere between these extremes.

What does this mean for users of the letter-quality printer? Primarily, that this printer is sensitive, cantankerous, and prone to sudden breakdowns. When a breakdown occurs, we must submit a repair request to the University's Academic Computing department. Our request is put on their service list and we must then wait our turn for the work to be completed. Since all UR microcomputers are serviced through Academic Computing, this process can sometimes take days (or weeks if parts need to be ordered). The Library cannot service these machines.

The bottom line is that you should not count on the letter-quality printer (or any other piece of computer equipment) to work ideally. You should have a contingency plan for completing your work in a timely fashion when the computers and printers are not working properly (...pay someone to type it, type it yourself on a conventional typewriter, cajole a friend or family member into typing it, etc.). Waiting until the last minute to complete work in total reliance upon the DEC computers and the letter-quality printer has already proven to be a dangerous policy for many students who have missed deadlines due to sudden computer software and hardware problems. Please use common sense when using this equipment. While these machines and software programs have proven to be incredibly useful, they are often not the panacea that many new users think they will be.

Other Computer Notes

1) The Law Library's letter-quality printer is the only one available to students on campus. When it is broken or fully reserved by other users, students should look for other means of completing their work. Please do not ask Academic Computing for access to other printers not intended for public use!

2) Presently, the Library supplies ribbons for both the dot-matrix printers and the letter-quality printer and tractor-fed paper for the dot-matrix printers. Students are expected to supply their own paper for the letter-quality printer. **DO NOT DISCONNECT BOXES OF PAPER FROM THE DOT-MATRIX PRINTERS FOR USE IN THE LETTER-QUALITY PRINTER.** The Library simply cannot afford to pay for the paper that individuals use to produce their printouts, many of which, as in the case of cover letters and resumes, are strictly personal and not related to academic work. Continued abuse of this policy may force the Library to install a supply-control mechanism (perhaps a vendacard meter) on the letter-quality printer to insure that we are reimbursed for the paper used.

3) Although Academic Computing does not think that passing computer diskettes through the Library's security system will adversely affect their performance or damage information stored on them, you may wish to play it safe and pass diskettes around the security system when you leave the Library. If you wish to do so, you must take your diskette(s) out of book bags or briefcases, show them to the desk attendant, and pass the diskettes alone around the system. **ALL OTHER PERSONAL ITEMS MUST PASS THROUGH THE SECURITY SYSTEM.** The recent practice of passing entire book bags and briefcases around the system because they contain computer disks is not allowed. While we are concerned about damage to your diskettes, we are necessarily more concerned about the security of the Library collection. Please cooperate with the desk staff on this policy.

Technical Services: The "Nerve Center" of the Law Library

All too often, patrons equate all that is good (or bad!) in a library to the staff members who provide reference assistance or work at the circulation desk. Although these individuals work directly with the public and necessarily perform most of their duties in public areas of the library, patrons are also served by a "hidden world" of dedicated and hard-working people who perform a library's so-called "technical services." These individuals operate behind the scenes to insure that books and materials of interest to a library's patrons are purchased, processed, and cataloged expediently and efficiently.

The "Museletter" would like to introduce the largely unsung individuals who provide these technical services here at the Law Library. Listed alphabetically, followed by a brief description of their primary duties, they are:

Janette Alsworth - not only types the orders for all the books the Library orders, but also processes these books when they arrive. In addition, Ms. Alsworth re-orders material that is lost or missing, deals with problems that arise with publishers, and handles a major share of the Library's bookkeeping.

Betty Cassada - is responsible for checking in and routing the Library's daily mail. No reporter, journal, state code, or pocket part appears on the Library's shelves without first passing through Mrs. Cassada's hands. Mrs. Cassada is also the person who provides patrons with the daily newspapers and popular magazines in our recreational reading area.

Frances Slater - prepares books for binding, handles all related recordkeeping, and troubleshoots the countless problems that arise during this process with the Library's book bindery. In addition, Mrs. Slater is responsible for the creation of the Law Library's computer-generated serials list (located in the blue binder on the circulation desk) and she diligently continues to update that list.

Brenda Sturman - although she is not a member of Technical Services, Ms. Sturman's position as Library Secretary qualifies as another unsung position. In addition to providing secretarial services for the librarians and participating in the Library's extensive bookkeeping and record maintenance, Ms. Sturman orders most of the library, office, and computer supplies that are kept on hand for public use.

Bob Weertman - catalogs selected materials and orders catalog cards on a specially-equipped IBM-PC connected to the international OCLC computerized cataloging system. Mr. Weertman also provides a miscellany of crucial support services including the filing of catalog cards and labelling of books.

Clearly, each of these individuals provides a myriad of services in addition to those listed above. The "Museletter" is pleased to recognize these dedicated people who serve the Library's patrons as surely and willingly as those of us in public services.

Recreational Reading Reviews - by Joyce Manna Janto, Acquisitions Librarian.

As a regular feature of the "Museletter," the Acquisitions Department will review recently obtained recreational reading titles. "Recreational reading," as defined in this column, is any reading done by a person that is not required by his occupation and/or as school work. The Library collects many books that deal with some aspect of the law or legal history that make interesting leisure-time reading. The newest of these books are kept in a book display on top of the shelves holding Shepard's Citations.

The Naked Public Square: Religion and Democracy in America, by Richard Neuhaus. KF/4865/.N48/1984.

The thesis of this book is that the exclusion of popular religious values from the public forum will lead to the death of democracy. Neuhaus contends that American public policy must be restructured and grounded in Judeo-Christian values.

Lay Bare the Heart: An Autobiography of the Civil Rights Movement, by James Farmer. KF/4757/.F37/1985.

This book is a history of the civil rights movement as experienced by James Farmer, the founder of the Congress of Racial Equality. Farmer, the son of a Southern minister, began working for civil rights in 1941.

Other People's Money: The Rise and Fall of OPM Leasing Services, by Stephen Fenichell. HF/5548.6/.F46/1985.

This is the story of the greatest fraud in American business history. By using fake leases, forgeries, and bribes, two friends stole over \$200 million from the Fortune 500 companies.

The Airman and the Carpenter: The Lindbergh Kidnapping and the Framing of Richard Hauptmann, by Ludovic Kennedy. KF/224/.H38/K46/1985.

An examination not only of the Lindbergh kidnapping, but of the lives of the two men most affected, Charles Lindbergh and Richard Bruno Hauptmann. Kennedy presents evidence that throws doubt not only on the result, but also on the entire course of the investigation and trial.

Spectacle of Suffering: Executions and the Evolution of Repression, by Pieter Spierenburg. K/5103/.S64/1984.

Different forms of punishment have always sparked controversy; should those who break the law be treated harshly or sympathetically? The author studies the evolution of public executions from the twelfth to the mid-nineteenth centuries.

(Questions & Answers continued from p. 2):

We base our view primarily on the rule for citation of Virginia's statutory compilation published in the current Uniform System of Citation, 13th ed. (the "blue book"), which states on page 174 that the Code of Virginia is to be cited Va. Code § ____ (19xx). There is no alternate citation form listed. In jurisdictions where there is more than one published statutory compilation, it is necessary, for purposes of identification, to specify whether one is using the annotated or unannotated set. However, Virginia has only one statutory compilation. While this set happens to be annotated, to state that fact in a citation is superfluous - there is no "unannotated" set to confuse it with. Although some have said that they believe an earlier edition of the "blue book" actually cited Va. Code Ann. as the correct form, we have been unable to verify that; certainly, Va. Code has been the published citation form for at least ten years since that is the citation listed in the 1976 Twelfth Edition of A Uniform System of Citation. As with any legal materials, it is incumbent upon individuals to use the latest supplements and incorporate revisions into their current work. Clearly, that is true of citation form as with anything else.

Our opinion is overwhelmingly supported by the vast majority of law reviews published both within and outside Virginia. Currently, all law school journals published in Virginia, with the exception of the University of Richmond Law Review, uniformly use Va. Code as the accepted citation form (although U. Va.'s law review had used the Va. Code Ann. form until several years ago). A recent survey of a number of "major" university law reviews published outside the state (including Yale, Harvard, Michigan, University of Chicago, NYU, Georgetown, etc.) revealed that, with rare exceptions, they, too, use the Va. Code citation form.

Admittedly, the import of using an "antiquated" or "improper" citation form when referring to the Code of Virginia may not be very great since there can be no doubt that a person citing Va. Code and another Va. Code Ann. are using the same volumes. However, lest we be accused of "nitpicking," it seems logical that UR students should learn to use nationally accepted standards whenever possible, particularly in scholarly writings.

This is especially true where a nationally accepted standard, such as A Uniform System of Citation, so clearly exists. Consequently, the Law Library will continue to advise patrons to use the Va. Code citation form exclusively and abandon all use of Va. Code Ann.

QUESTION:

I have a reference to the "Uniform Marriage and Divorce Act." What is a "uniform act" and where can I find it?

ANSWER:

The best initial source to use whenever you are researching a "uniform law" (or "model act") is a multi-volume set, published by the West Publishing Company, entitled Uniform Laws Annotated (better known as U.L.A.). U.L.A. is shelved on the Library's third floor in the treatise section (call number: KF/165/.A5/1968).

"Uniform laws" (or "model acts") are the creations of the National Conference of Commissioners on Uniform State Laws, a quasi-official body made up of representatives of each state, which meets annually to draft, promulgate, and promote uniform legislation in various fields. The goal of the Commissioners is to reduce the confusion and conflict caused nationally in these fields when states pass inconsistent statutes on the same subject. The states are free to adopt, modify, or reject these uniform laws as they see fit. It is important to remember that "uniform laws" are not laws at all; in fact, they have no legal effect unless they are adopted by a state or states into their own statutes.

All uniform laws that are adopted by at least one state are published in U.L.A. In addition to the full text of each uniform act, this set includes annotations to the court decisions of every state in which these acts have been adopted and judicially considered. Other useful features of U.L.A. include tables listing the states adopting each law, Commissioners' explanatory notes, and presentations of any sections of these laws, as adopted by the states, that vary from the Commissioners' original version. A separate "Directory and Tables" volume containing a directory of acts, tables of adopting jurisdictions and acts withdrawn, and a cross-reference (subject) index to the acts, is shelved directly after the bound U.L.A. volumes (see call number above). The set is kept up-to-date with annual pocket supplements.

QUESTION:

I need to research the legislative history of a recent Virginia Act. I am particularly concerned about the legislative intent behind the Act. How do I conduct this research?

ANSWER:

Unfortunately, one cannot research the legislative history of a Virginia law in the classic sense because the Commonwealth of Virginia does not officially record a number of the historical elements vital to the question of legislative intent; namely, legislative debates and transcripts of hearings and committee action.

Individuals used to researching federal legislation are generally shocked when they attempt to do the same kind of research in Virginia. As stated in the question, the goal of a researcher examining legislative histories is to discover the legislature's intent in passing a particular law. This sort of research is often essential as a means of interpreting how the legislature intended that a law should (and should not) be applied, particularly in cases where a statute is ambiguous on its face. This question of intent can be fully (albeit painstakingly) researched for federal legislation using a wide variety of government and commercial publications, starting with the Congressional Record, in which transcripts of House and Senate floor debates are published.

Virginia does not publish an equivalent to the Congressional Record; in fact, legislative debate in the Virginia Assembly is not recorded at all!!! Virginia also fails to record the transcripts of hearings and committee action. Researchers of Virginia legislation are limited to copies of the bills (as introduced and amended), the "legislative digest" (memos or statements of a bill's sponsor or sponsors), House and Senate Journals (containing vote tallies for bills where a roll call vote was taken), House and Senate "documents" (generally "study commission" reports requested by the Assembly to provide background information on pending legislation), and the final Acts of Assembly (those bills approved by the legislature and enacted into Virginia law). None of these published materials delve into "legislative intent."

Of the published materials listed above, the Law Library keeps bound and microfiche copies of the Acts of Assembly, House and Senate Journals and Documents, and a looseleaf set of all bills as introduced and amended (current year only). All materials not housed in the UR Law Library can be found at the Virginia State Library, 11th and Capitol Streets, Richmond, or may be available from the Division of Legislative Services, General Assembly Building, 910 Capitol Street, Richmond (telephone 786-3591).

Perhaps the best source for information concerning Virginia legislative materials is the State Legislative Librarian, Ms. Jay Baxa, who is in charge of the Legislative Reference Library. This library is a component of the Division of Legislative Services, and is located in the General Assembly Building. Although the library was created to serve the members and staff of the General Assembly, it is also open to the general public Monday through Friday from 8:00 a.m. to 4:45 p.m. Photocopying services are available on the premises (cost: \$.10/pg.). Reference questions may be directed to Ms. Baxa by calling 786-3591.

OK! Now you get the idea! If you have any questions or comments that you would like to see addressed in this column, please place them in the "Museletter" box at the Circulation Desk. The deadline for consideration in the next issue is March 10.