1-2002

Museletter: January 2002

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The University of Richmond School of Law

Volume 16, Number 5

January 2002

Museletter

THIS ISSUE:

SPRING 2002
Regular Hours

Sunday: 10:00 a.m. to 12:00 Midnight

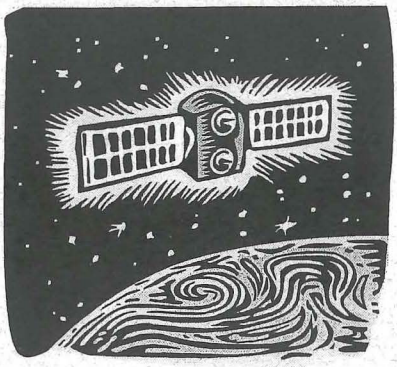
Monday-Thursday: 7:30 a.m. to 12:00 Midnight

Friday: 7:30 a.m. to 9:00 p.m.

Saturday: 9:00 a.m. to 9:00 p.m.

Law School Expands Wireless Network Access

By Timothy L. Coggins



Want to connect to the network while working at a table between the Reference Desk and the Merhige Special Collections Room? Want to surf the web at one of the chairs or couches by the newspapers or by the elevator in the library? Want to connect to the network in the Virginia Room?

All that is now possible. A wireless transceiver was installed recently near the front of the library. The wireless transceiver allows you to connect and remain connected to the network wirelessly from the Law School atrium to the main stairwell in the library. In fact, access through the wireless transceivers installed in the Moot Court Room last year, combined with access through the new wireless transceiver in the Law Library, allows you to remain connected to the network from outside rooms 101 & 102 to the main stairwell in the library, as well as the plaza at the entrance to the Law School.

How do you take advantage of this?

First, make sure that the wireless card is ready to be accepted by your computer. Wireless cards are available for check-out at the Circulation Desk. Check out a card and take it and your computer to the Computer Help Desk. The staff there will be happy to connect you to the wonderful world of wireless technology. The loan period for a card is four hours, and there are forty cards available. The card only needs to be activated for your computer once. After the initial activation, just borrow a card from the Circulation Desk, plug the card in, and you are ready to connect. Remember to return the card to the Circulation Desk when finished.

Make certain that the battery in your computer is fully charged, since there are no electrical outlets in some locations where wireless network access if available.

Students interested in using wireless technology frequently may want to purchase their own wireless cards. Contact Alison Merner (L-9) or Kimberly Wiseman (L-11) for wireless card specifications.

Reference Source of the Month: West's *Annotated Code of Virginia*

By Gail Zwirner

The following article was taken in part from an article written by Kent Olson at UVA, Alyssa Altshuler at Hunton & Williams, and Gail Zwirner in UR's Muse Law Library, for the Virginia Association of Law Libraries' VALL Newsletter. The full version will be published in the April 2002 edition of the Virginia Lawyer.

In deciding between the Virginia Code published by West or Lexis, there are three areas to evaluate: (1) annotations; (2) format; and (3) cost.

The newest publication to reach law library shelves in Virginia is West Group's *Annotated Code of Virginia*. Why, you might wonder, did West feel compelled to get into a market competing against a company (Lexis) that has published the *Code of Virginia1950* and its supplements for more than fifty years? It does seem strange, but several states are now offering competing codes.

Our market society welcomes competition, but how will West's move affect acquisitions budgets of law libraries? Academic libraries, at least in Virginia, will most likely buy both versions. With some shifting and budget "tweaking," law schools will offer both codes to its patrons. Schools in other states will consider publisher and Bluebook preference, if any. Law firms will most likely choose between one or the other, as they will lack space and budget to support both codes.

In deciding between the Virginia Code published by West or Lexis, there are three areas to evaluate: (1) annotations; (2) format; and (3) cost. One "gripe" from practitioners that reference librarians hear frequently is the paucity of case annotations in the Lexis code. Based on other West publications, one would think that West would exceed expectations for this evaluation criterion. The ten extra volumes that constitute the new version would lead anyone to believe that surely the annotations are more comprehensive. The numbers of case notes are the strongest feature of the new West code — 60,000 versus 30,000 in the Lexis version. But on closer evaluation, many of those annotations do not account for new decisions. Additionally, Lexis includes a number of unpublished decisions from the Virginia Court of Appeals, which West chose not to include. In areas where the Court of Appeals plays a major role (such as criminal law, domestic relations, or workers' compensation), these decisions can provide major guidance even if they cannot be cited as precedent. So, for in-depth case law research, the two works complement each other. West does include references to Virginia Attorney General opinions. These opinions may not be binding authority, but their interpretation of a statute can be highly influential and they are included in the notes for more than 700 sections in the West code.

The biggest shortcoming of the West code is the scope of the statutory notes following each section. In both the parenthetical "mapping" immediately after the statutory language and the "historical and statutory notes" sections, the session law references never go back farther than 1950, and in revised titles they only go back to the date of revision. There are no references to earlier codifications or to earlier versions of a title. There is also a lack of cross-reference tables from sections in repealed titles to their current counterparts. West editors have said that a tables volume is forthcoming.

The Lexis code has a strong advantage in law review citations, with nearly twenty times as many references as West. Lexis, for example has nearly 250 sections with references to the *University of Richmond Law Review*'s 2000 Annual Survey, while West has no citations to the 2000 survey. West could have one-upped Lexis by including annotations to Professor Bryson's compilation of *Virginia Circuit Court Opinions*, but they did not add those either. West does include the panoply of useful research leads found in other West products, with references to digest key numbers, trial aids, ALR annotations, and both Am. Jur. and C.J.S. West's encyclopedic references makes one wonder why the Lexis code provides no references to *Michie's Jurisprudence.* Among the most valuable cross-references in West's code are more than 800 references to the *Virginia Administrative Code.*

The additional ten volumes in West's version adds some interesting twists to the decisionmaking process if you were forced to choose between publishers. Not only does the format increase shelf space needs, but there are some potentially aggravating issues with the size of the new West code. Seven titles now span more than one volume (2.2, 8.01, 15.2, 18.2, 38.2, 46.2, and 58.1). For some reason, West chose to put the "chapter" numbers on the spines, instead of the section numbers, thus forcing some guesswork in deciding which volume to use for the split titles.

One final note regarding format was contributed by a patron at UVA, who noticed that the graphic on the cover of the Commonwealth does not include the Eastern Shore. Sorry Northampton and Accomack counties!

The final evaluation criterion of cost is unknown at this time. West intends to market the entire set for $600, but they have not yet priced annual supplementation. We anticipate that West will make it competitive with the Lexis product.

Both codes are shelved in the Virginia Collection materials on the first floor

Recent Faculty Publications

Azizah al-Hibri et al., Religion in American Public Life: Living with Our Deepest Differences (2001).

John G. Douglass, *Confronting the Reluctant Accomplice*, 101 Colum. L. Rev. 1797 (2001).

John G. Douglass, *Fatal Attraction: the Uneasy Courtship of Brady and Plea Bargaining*, 50 Emory L.J. 437 (2001).

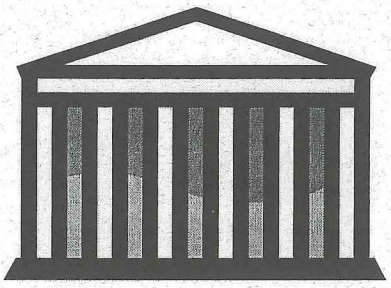
ONE-L Lexis and Westlaw Training Schedule (Required for Law Skills) (Weeks of January 21 and January 28)

Learn to be power searchers in the spring semester Lexis and Westlaw sessions. Your password has expanded access now to cover all databases and allow you to do freetext searching. You'll learn how to formulate effective searches and tips on precision. Sessions are as follows:

Monday: 11:30-1:00 p.m. (Room 205)
Monday: 2:30-4:00 p.m. (Room 205)
Tuesday: 2:30-4:00 p.m. (Room 205)
Wednesday: 11:30-1:00 p.m. (Room 205)
Wednesday: 2:30-4:00 p.m. (Room 205)
Thursday: 2:30-4:00 p.m. (Room 205)
Friday: 11:30-1:00 p.m. (Room 205)
Friday: 2:30-4:00 p.m. (Room 205)

Please sign up at the Reference Desk for a session in both weeks. Thank you.

OP/ED: Will a National Tragedy Force the U.S. Supreme Court to Join Other Courts and Accept Electronic Filings?



During the past decade, litigators have benefited from technological developments, such as transmitting data electronically by fax, e-mail, or by the Internet. Courts in both state and federal jurisdictions began to accept filings by those methods and communicate other valuable court information in the same manner, such as docket reports and court decisions,.

It is difficult to understand why the U.S. Supreme Court has been reluctant to move in this direction. September 11 and subsequent anthrax scares in Washington changed the Court's position, at least temporarily. The interruptions in mail delivery burdened the Court's traditional paper-based system so much, that they began to accept e-mail or faxed copies of legal filings.

The *Washington Post* reported that the mail disruption even affected the high-profile case of the appeal of Thomas Capano, who was sentenced to death in Delaware for killing the secretary of a former Governor. Capano's attorney could not confirm that the Court received his filing. He persisted until he "finally got someone to say, 'Look, e-mail it and we'll docket it.'" The appeal was docketed on November 27, thus postponing Capano's December 17 execution.

The mail decontamination delays created such a lull in receipts that the justices may not reach their informal target of 80 cases per term. The *Delaware Law Weekly* reported that paid cases were down over 25% from last term. Justice Clarence Thomas responded to a House subcommittee about the issue by saying that electronic filing "is not too distant.," but internal security has been the stumbling block to accepting filings electronically. Perhaps the Supreme Court's positive move toward technological standards in filing practices will result from the disruptions caused by the nation's tragedy. —G.F.Z.

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The **Museletter** is the official newsletter of the William Taylor Muse Law Library at the School of Law of the University of Richmond, Richmond, VA 23173.

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