

WHAT LIBRARIANS CAN DO FOR YOUR LAW REVIEW

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I. INTRODUCTION

Enhancing the quality of the law review should be a primary goal of every law review. Librarians have expertise that can help your law review staff improve their research skills and can help in the process of training new associates. This Article describes Stetson University College of Law's model, which you can modify to fit your school's specific needs.

II. BACKGROUND

The Stetson reference staff is composed of Sally G. Waters, Pamela D. Burdett, and Dorothy C. Clark. They are colleagues in the very best sense of the word. Professor Waters is the senior member of the group, having joined Stetson in September 1982. Ms. Burdett joined the reference team in September 1983 after a stint in the library technical services department. Ms. Clark is the newest arrival, beginning her career at Stetson as the weekend librarian in November 1987. As the newcomer with years of library experience but no experience in the law, she was pleased to find that her colleagues always were ready to answer questions and assist with difficult research. The current library-*Law Review* model that was developed at Stetson reflects the combined effort of all of the reference librarians and is very much a joint effort with the *Stetson Law Review*. It did not happen overnight, but it has evolved to its present status and hopefully will continue to change for the benefit of all.

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The *Stetson Law Review* always has provided training for its new associates, and its editors have conscientiously worked to ensure that all published articles are of the highest standard of scholarship. In pursuing this goal, the editors insist that each submitted article pass a rigorous cite and source check.

Throughout the early years at Stetson, the reference librarians were involved in this process, but usually in a haphazard and informal way. They entered the picture only when a *Law Review* associate asked for help in locating something in the library or when an item was needed on interlibrary loan. Since the *Law Review* associates possessed only a portion of the article they were researching, the librarians often could not assist them, because a piece of the bibliographic information was missing or the context of the material was difficult to decipher.¹ There were times when the associates had misinterpreted the bibliographic information. They tried to find the title of the article, rather than the journal title, on the on-line catalogue or a chapter title rather than the book title. At that point, the associate would assume the library did not have the needed item in its collection and would make an interlibrary loan request. Sometimes the reference librarians felt like broken records as they covered the same citation on four different pages of an article with four different students. This was not a very satisfactory process for the librarians or the *Law Review*.

The reference librarians decided, after doing a good bit of complaining, that they had to be proactive. They came up with some suggestions that they thought would enhance the cite and source process and allow the librarians to share their knowledge of bibliographic sources and their research acumen with new associates (and save a little wear and tear on the librarians). Two of the Authors, Professor Waters, the self-proclaimed "Queen of Reference," and Ms. Clark, approached Vincent A. Branton, the *Law Review* editor in chief at that time. He arranged a meeting with the executive board.² At the meeting, the reference librarians presented their ideas for improving library-*Law Review* relations and launched a new program.

1. The *Stetson Law Review* divides most articles into discrete segments and assigns each segment to a different associate.

2. E-mail from Vincent A. Branton, Ed. in Chief, *Stetson L. Rev.*, to Dorothy C. Clark, Asst. Libr. for Pub. Servs., Stetson U. College of L., *Library and Research* (Dec. 8, 1998) (copy on file with *Stetson Law Review*).

III. A MODEL PROGRAM FOR LAW REVIEW- LIBRARIAN COOPERATION

This is the current model used at Stetson. It is a work in progress, and, as you will see, it has gone beyond the original concern with the cite and source process. The current model addresses the areas of library-*Law Review* communications and the *Law Review* associate in the library, which includes interlibrary loan procedures, new associate training, and cite and source strategies.

A. Library Liaison

To facilitate the needed exchange of information between the *Law Review* and the library, one of the reference librarians was designated the *Law Review* liaison.³ The designated liaison meets with each new executive board and introduces the new editors to the program. Together they review the current program and discuss ways in which the library can continue to support the *Law Review*. Additionally, the editors can make suggestions that they feel will improve the program.

B. Efficient Use of Interlibrary Loan

Interlibrary loan is an important part of the cite and source process, because it allows law review members to obtain materials they need from practically anywhere in the United States (and even beyond). To make the interlibrary loan process work best, however, law review staff members should remember the following essential tips:

- First, time is of the essence in almost all aspects of interlibrary loans. For associates requesting items for a cite and source check, it is very important that the material be obtained as quickly as possible, and the librarian requesting the item will realize that. However, law review associates need to remember the following two major points about time:

3. Ms. Clark is the current *Law Review* liaison.

1. They need to allow time for the material to actually arrive from the place sending it (possibly a matter of days, but sometimes more than a week).
 2. They need to return the item on time so that the interlibrary loan process runs smoothly on both the borrowing and the lending side.
- Second, associates need to remember that the more details they can provide about the requested item, the better. For example, when requesting a book that has been cited in a footnote, they should give as much information as they can about the author, the edition, and the date so that the library borrows the correct book. Otherwise, they might end up using the fourth edition of a book to check a quote that came from the sixth edition, and as Chico Marx would say, “Atsa no good.”⁴ When possible, they should include a copy of the page of the article on which the requested item is cited so that the librarian can see all of the available bibliographic information and the context in which the item is used.
 - Last, but certainly not least, associates always should check the holdings in their own library before asking for something on interlibrary loan. Sometimes they will be surprised by the library’s collection.

C. New Associate Training

The *Stetson Law Review* has a three-day new associate training program. Included in the training is a one-hour segment entitled “Library Training/Effective Researching,” which is presented by two of the reference librarians.⁵ The purpose is twofold. First, the program is meant to reintroduce the new associates to the law library and legal research. Second, it assists the new associates in successfully using the resources of the Stetson law library as they deal with the following two assignments that are of immediate

4. *A Night at the Opera* (MGM Studios 1935) (motion picture).

5. Stetson L. Rev., *Associate Training Manual* § I (2000) (copy on file with *Stetson Law Review*).

concern to them: finding a topic on which to write and doing a cite and source check.

Currently, Professor Waters, the reference supervisor and interlibrary loan librarian, and Ms. Clark, the *Law Review* liaison, conduct the program, which is held in one of the Internet accessible library conference rooms. The presentation begins at the Stetson Web site. The following two parts are covered in the presentation: the "Legal Resources Page," which directs the students to Internet legal sources and the "Library Homepage."

1. *The Internet as a Resource*

In addition to some instruction regarding what secondary legal sources are available on LEXIS and Westlaw, associates should be reminded of several excellent sources available on the Internet. While the Internet does not have the archival breadth that the other services do (e.g., associates who need to find older cases or articles from years ago probably will not find them on the Internet), students trying to find the most recent cases, statutes, and regulations can probably find them on the Internet. Also, the Internet has terrific sources, such as municipal laws and international materials, that are not readily available on LEXIS or Westlaw. An excellent starting point for any associate trying to find legal materials on the Internet is Findlaw, a thorough directory of legal sites.⁶

In addition, law students should be shown how to evaluate Web sites for currency and reliability.⁷ Without a thorough understanding of how, when, and by whom the information is posted on a Web site, an associate cannot be confident that the information is of the highest quality.

Specifically, the reference librarians discuss Stetson's homepage as an Internet resource. Stetson's law library uses the Innopac system. In the presentation, the reference librarians cover the main features of the system. They review what librarians mean by bibliographic information⁸ and briefly cover the Library of Congress classification system, the derivation of the Library of Congress

6. Findlaw, *Findlaw* <<http://www.findlaw.com>> (accessed Nov. 30, 2000).

7. Jim Kapoun, *Teaching Undergrads WEB Evaluation: A Guide for Library Instruction*, 59 *College & Research Libs. News* 522, 523 (July-Aug. 1998).

8. "Bibliographic control, *Library Science*. [T]he identification, description, analysis, and classification of books and other materials of communication so that they may be effectively organized, stored, retrieved, and used when needed." *Webster's Unabridged Dictionary* 203 (Stuart Berg Flexner et al. eds., 2d ed., Random H. 1998).

subject headings and call numbers, and how the library cataloguer chooses this information for each particular book that we add to our collection. The reference librarians point out the need for looking at the copyright date, the edition of the work, and the publisher. They show an item record and point out the main parts, including the need to have the full call number (for example, K11.N8.I64, not just K11) to locate specific material and show a few basic “author” and “title” searches. Then they show a “subject” search and describe how the subject heading can link to other related sources. Periodicals, especially law reviews and journals, can be tricky. The reference librarians cover how to read a journal citation, including the links to previous and subsequent name changes of the journal, how to find the journal’s call number, how to identify the most current issue received, and how to know which volumes are bound or at the bindery.

The reference librarians also give a brief overview of the other research tools accessible from the homepage, such as the Congressional Universe, LegalTrac, Matthew Bender, and Commerce Clearing House Web sites, which include access to their treatises.

2. *The Writing Process*

A new associate must write a “[n]ote or a [c]omment of publishable quality during the first two semesters of . . . associate membership.”⁹ During the training session, the librarians discuss two important factors in the writing process — topic selection and preemption checks.

Each new *Law Review* associate is provided with a *Writer’s Manual*.¹⁰ The manual contains a wealth of information to assist the new associate in beginning the daunting task of choosing a topic on which to write. It directs the new associate to excellent sources on LEXIS and Westlaw.¹¹ The manual also suggests looking at “[b]ooks, periodicals, journals, and newspapers.”¹² To familiarize the associates with these sources, the reference librarians have a part of the program that might be referred to as “Show and Tell.” Several of the sources mentioned in the *Writer’s Manual*, such as *United States Law Weekly*, *Florida Law Weekly*, the *ABA Journal*, and the

9. Stetson L. Rev., *supra* n. 5, at § 1.

10. Stetson L. Rev., *Writer’s Manual* (2000) (copy on file with *Stetson Law Review*).

11. *Id.* at 1–2.

12. *Id.* at 2.

National Law Journal, are shown and passed around for the associates to examine; the main features and merits of the sources are discussed.¹³ They add other sources that they think also are useful, such as the *Supreme Court Review* and BNA and CCH topical looseleaf services. Additionally, the weekly newsletters that come with each update also can be useful topic finders.

After selecting a topic, the new associates now must find out if someone else has written on their chosen topics. Again, the *Writer's Manual* gives detailed instructions on how to proceed.¹⁴ The manual emphasizes a careful use of LEXIS and Westlaw. *Law Review* associates sometimes forget that the existence of full-text databases on the two services does not mean that every article in every law review can be found on-line. Coverage varies from law review to law review, and one must check each law review's database to find out the extent of the coverage. Therefore, the reference librarians recommend that the *Law Review* office keep a paper copy of both the LEXIS and Westlaw directories. It is suggested that the associates begin with one of those bibliographic databases found on LEXIS and Westlaw that index all law review articles, such as the Legal Resources Index and the Index to Legal Periodicals. During the workshop, associates are given a printout from each service that shows the path to these sources. They also are directed to the Web version of LegalTrac, which can be searched from the library homepage.

D. Conducting an Effective Cite and Source Check

As mentioned earlier, the *Stetson Law Review* needs to verify all the sources and citations in the articles it chooses to publish. This can be an arduous and time-consuming task. The task frequently falls to the new associates. In the past, the library experienced problems with this important part of the *Law Review* process.

The major problem began many years ago, during the renovation of a part of the campus that housed the *Law Review*. The *Law Review* office was "temporarily" moved into an office on the library's first floor. What was supposed to be a temporary situation became a permanent move for the next five years. With the *Law Review* offices in the library, the *Law Review* associates and editors became accustomed to the convenience of having library materials readily

13. *Id.*

14. *Id.* at 7-8.

at hand, or more often, readily available in the *Law Review* office. At that time, we did not have an on-line circulation system, so tracking materials became more critical. The librarians had not developed the *Law Review* liaison program, so they did not have a good rapport with the constantly changing *Law Review* staff.

Quite often, books left the library for parts unknown without being properly checked out. On more than one occasion, a *Law Review* member would ask for a certain book only to be told it was “missing in action”; later, the book would turn up in the *Law Review* office.

Another problem that frequently arose during the infamous cite and source checks was the unintentional “hiding” of books requested for a particular article. The article had first been divided into discrete parts and given to specific associates. Each one blindly began pulling volumes off the shelves and leaving them in places where no one in their right mind would consider looking for them. Books would be stashed on a library table or study carrel or, as mentioned earlier, in the *Law Review* office on an editor’s desk. On occasion, two associates would be looking for the same book and ask two librarians to assist them in locating it. Only if the two librarians talked, would they realize that neither associate knew that the other was looking for the same item for the same cite and source check.

The interlibrary loan librarian also experienced similar problems. Often a particular source was cited on different pages of the article, and each associate, who had pages from the same article, made duplicate interlibrary loan requests. Frequently, the associate who made the first interlibrary loan request would take the material home, and it was needed by three other cite and source checkers; this made the process difficult for everyone — particularly if the borrower had gone home for a long weekend! These problems were further exacerbated, because all *Law Review* associates are not known to each other. While all associates doing a cite and source check on a specific article should meet together, this is not always easy to accomplish.

At the Stetson law library, the reference librarians have taken a few simple steps to alleviate these problems. First, they keep copies of each paper being “cite and sourced” at the reference desk. As mentioned earlier, the article usually is divided among several of the *Law Review* associates, each person having only a portion of the article. Having a full copy of the article at the reference desk is very helpful to the reference librarians. Sometimes seeing the

citation in the context of the whole article makes it easier for them to guide the associate in locating the item.

Second, the reference librarians request that *all* of the materials being used for a cite and source check be kept at one specific location in the library. There is an area designated in one of the reading rooms. Additionally, magnetic shelf labels, with removable inserts, have been added to some of these shelves to identify where all materials for a specific cite and source are kept. Books borrowed on interlibrary loan stay in this room, as do other materials. These materials may then be used by more than one *Law Review* member at a time. This has cut down on the problem of disappearing or missing books, which used to cause considerable anxiety for all.

Books are checked out on the *Law Review* library card, kept at the circulation desk, and placed on the appropriate shelves in the reading room. For this reason the materials are checked out on our Innopac system. These books stay on the shelf as long as the members need them to finish the cite and source. This system has worked.

IV. CONCLUSION

Why would your law review want to implement this type of program? After all, your law review may request each author to submit copies of all of the materials he or she cites. Even if it does, there are several reasons why this program is important. Reference librarians have special expertise in the art of research, and many have taken specialized courses in government documents or researching in the sciences and humanities. They are masters in detecting obscure information. Today, many law school reference librarians also have Juris Doctor degrees, so they understand legal reasoning as well as legal research.

Another factor is "the globalization of the law practice"¹⁵ and the crossover of the law into diverse subject areas. The *Directory for Successful Publishing in Legal Periodicals* lists approximately seventy-five journals that periodically publish special issues.¹⁶ Appendix C of that same source lists law reviews, such as the following: *Law and Psychology*, *Transnational Law Journal*, *Ocean*

15. Elizabeth Amon, *Law Schools in the Future Will Become Global and Professional*, 21 Natl. L.J. A16 (Mar. 22, 1999).

16. Al Joyner, *Directory for Successful Publishing in Legal Periodicals* app. A (2d ed., Qucoda Publ. Co. 1997).

*and Coastal Law Journal, Legal Economics and the Journal of Law, and Medicine and Ethics.*¹⁷ This means that the articles your law review publishes may well include references to materials that are outside the sphere of “the law.” Many of your associates and editors have become experts in searching the law, particularly through LEXIS and Westlaw. However, they are not as familiar with searching other subjects and library sources.

Working closely with your reference librarians can assist you in navigating these waters. Furthermore, understanding the basics of good library usage and library tools will enhance the students’ research abilities and facilitate the cite and source process, as well as improve the quality of the finished product — your law review.

17. *Id.* at app. C.