

Law Library Lights

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CONFERENCE ROUND-UP

DOLLARS AND SENSE OF THE FEDERAL BUDGET PROCESS: AN OVERVIEW OF THE PROCESS AND REVIEW OF SOURCES TRACKING THE FEDERAL BUDGET YEAR

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This article was the basis for an AALL presentation for which the author was a co-presenter. The views contained herein are those of the author and not necessarily those of the Congressional Research Service (CRS) or the Library of Congress.

THE MODERN FEDERAL BUDGET CYCLE consists of two distinct phases that provide funding for the next fiscal year of operations of the federal government. These phases include the preparation of agency budgets by the Executive Branch, including their submission by the President to Congress, and the congressional appropriations process whereby Congress enacts appropriations bills into law. This article will not go into detail to explain each step in the process but will provide a broad overview of the process and identify particularly helpful resources for researchers seeking to track the federal budget and track appropriations bills developments. A bibliography appears at the end of this article listing resources cited in this report including publicly or commercially available web sites, and secondary print sources on the federal budget. Readers should be aware that Congressional Research Service publications cited in this article are not available directly from the Library of Congress but may be requested by contacting their Member of Congress.

The Constitution in Article I grants the power of the purse to Congress, but the modern budget process is guided by two statutes enacted in the 20th century: the *Budget and Accounting Act of 1921* which requires the annual submission of a proposed budget by the President, and the *Congressional Budget and Impoundment Control Act of 1974*. The 1921 Budget Act requires the President to submit his proposed budget to Congress for the coming federal fiscal

year by the first Monday in February. The budget is actually drafted by the federal agencies and the Office of Management and Budget (OMB) over several months prior to the President's formal submission. More detail on the structure and chronology of the process appears in Stan Collender's *Guide to the Federal Budget*, and Allen Schick's *Federal Budget: Politics, Policy, Process*. Authoritative CRS Reports including CRS Report RS20095, *The Congressional Budget Process: A Brief Overview*, CRS Report 98-472, *The Congressional Budget Process Timetable* and CRS Report 98-721, *Introduction to the Federal Budget Process* also provide similar overview information. These publications contain useful discussion and definitions of budgetary vocabulary and terms including *federal outlays*, *federal budget authority*, *outlays by function*, as well as discussion of notable concepts such as *federal deficit*, *federal surplus*, *federal debt* and background on the budget resolution.

THE PRESIDENT'S BUDGET SUBMISSION

The President's budget is submitted to Congress by the first Monday in February. The *Budget for Fiscal Year 2004* submitted in February 2003 consisted of 5 volumes: The *Budget of the United States* containing summary information and policy objectives of the Budget submission, the *Appendix*, the *Analytical Perspectives*, the *Historical Tables*, and the *Performance Measures and Management Assessments*. A CD-ROM disc the *Budget of the United States CD-ROM* containing all the volumes of the President's budget is also published.

The *Appendix* volume is most useful for finding specific information on proposed funding levels for federal agencies and programs at the func-

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EDITOR'S COLUMN

Tricia Peavler
Jenner & Block

HELLO LIGHTS READERS, welcome to volume 47! I'm pleased to be (okay, a polite exaggeration) the new Editor, and I welcome Matthew Mantel as the new Assistant Editor.

After a few years of having themed issues, we have decided to go with the non-theme theme this year. That means this is your opportunity to write that article you've been thinking about, but weren't sure where it would fit in. Those of you I badgered into saying you would write for *Lights* this year at last spring's Closing Banquet especially need to be putting on your thinking caps, because I will be contacting you soon about a contribution to an upcoming issue.

In addition to our SIS and President's news items, we have several new and continu-

ing columns. Susan Ryan will continue to bring us Eye on Serials, and Tanya Brown will continue our government relations column, GR Insider, that she began last year. Tech Talk's new author is Roger Skalbeck, while Jeffrey Freilich has taken over News of Members duties. Sarah Nagel has started a new column, Miss Information, where she will offer tricks of the trade for reference.

We have also started some new series this year. Career Paths will have an interview format with librarians who have taken non-traditional positions. The ProBono Librarian will feature public service activities with which our members are involved. Contact Scott Larson, *continued on page 9*

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tion level. This volume is designed for use by the House and Senate Appropriations committees for preparation of the appropriation bills and is an essential reference tool for comparison of budget data between the current year, estimated successive years, and historical data back to 1940 or earlier for federal spending by program and function as well as federal revenues, federal debt, etc.

The printed budget publications are available for purchase from the Government Printing Office (GPO) or available for free via two federal Internet sites on the budget offered by the OMB at <http://www.whitehouse.gov/omb/budget/fy2004/index.html> and by the GPO at <http://www.access.gpo.gov/usbudget/fy2004/maindown.html>. A word search facility where users can search across all of the annual budget volumes by word or federal program is available at http://www.access.gpo.gov/usbudget/fy2004/fy2004_srch.html. More information on how to obtain the President's Budget volumes and related publications is available in CRS Report RS21456, *FY2004 Budget Documents: Internet Access and GPO Availability* or from the GPO U.S. Budget web site <http://www.access.gpo.gov/usbudget>.

A WORD ABOUT MANDATORY AND DISCRETIONARY SPENDING

Before discussing the actual Congressional appropriations process it is important to note the two different kinds of federal spending, mandatory spending and discretionary spending. Mandatory spending consists of required federal spending enacted into law on a continuing basis and includes spending on programs such as Social Security and Medicare, the payment of federal salaries, other federal entitlement programs, and net interest annually paid on the federal debt. Discretionary spending consists of all other federal spending which is at the discretion of the Congress on an annual basis through the thirteen appropriation bills. A comparison of the distribution of total federal outlays (spending) for mandatory programs and total spending for discretionary programs in tables 1.1 and 1.2 of the *Historical Tables* Budget volume shows that from FY1962 to FY2002 mandatory outlays have increased from approximately 32.5% of total federal spending in FY1962 to 63.5% of total federal spending in FY2002. The growth in mandatory spending is conversely reflected in the shrinking of federal discretionary spending, which in FY1962 comprised 67.5% of the federal budget, but had shrunk to 36.5% of the feder-

al budget by FY2002. Congressional debate on appropriations funding during recent fiscal years has therefore focused on a smaller and smaller piece of the total amount of federal spending. Another interesting point to note is that of the 36.5% of the federal budget that constituted discretionary spending by FY2002, approximately 17.4%, or almost half of that amount, was provided for spending on defense programs, which have become an important policy objective in light of recent world events.

THE CONGRESSIONAL APPROPRIATIONS PROCESS AND RESOURCES TO TRACK IT

The drafting of thirteen appropriations bills by the House and Senate Appropriations Committees follows the submission of the President's proposed budget and the framing of recommended levels of federal spending in a congressional budget resolution agreement drafted by the House and Senate Budget Committee. The agreement is not signed by the President but is passed by the full House and Senate by April each year. The budget resolution allocates funding levels to the House and Senate Appropriations Committees and the Appropriations Committees then allocate funding levels to thirteen subcommittees corresponding to each appropriations measure, usually referred to as the 302(b) allocation. Since the creation of the Department of Homeland Security in 2002, the previously separated Treasury and Transportation appropriations bills were combined into one appropriation and a Homeland Security appropriation was added for Fiscal 2004. Both the House and Senate Appropriations Committees maintain informative web sites at <http://www.house.gov/appropriations> and <http://www.senate.gov/~budget/republican>. These sites contain schedules of hearings at the subcommittee and committee level including testimony, press releases, and majority and minority publications providing background information and insight into the direction of each appropriations bill.

Once draft appropriations bills have been marked up in their respective subcommittees, they proceed to the full Appropriations Committee markup. Unlike other legislative measures, appropriations bills and committee reports are not made available until the bill is formally reported out from the full Appropriations Committee. One legislative web site, the **THOMAS STATUS OF APPROPRIATIONS** site brings together the full text all Appropriations Committee reports, roll call votes, and versions of the appropriations bills as they evolve during the process.

"THE APPENDIX VOLUME IS MOST USEFUL FOR FINDING SPECIFIC INFORMATION ON PROPOSED FUNDING LEVELS FOR FEDERAL AGENCIES AND PROGRAMS AT THE FUNCTION LEVEL."

"IF AN APPROPRIATIONS CYCLE YIELDS SEVERAL CONTENTIOUS BILLS, CONGRESS CAN NEGOTIATE LARGE APPROPRIATIONS MEASURES, FOLDING MORE THAN ONE OR SEVERAL APPROPRIATIONS MEASURES INTO ONE BILL."

It is an essential tool for tracking the evolution of appropriations through final passage of each bill and is updated daily as developments unfold. Users can connect to <http://thomas.loc.gov> and scroll down to the link for the **STATUS OF APPROPRIATIONS BILLS** table to track the latest developments and obtain access to these essential documents. Similar commercial versions of the Status of Appropriations table are available from subscription web sites such as *Congressional Quarterly's* CQ.com cited at the end of this article that contain enhancements such as links to analytical articles on developments.

OMNIBUS APPROPRIATIONS BILLS, CONTINUING RESOLUTIONS, SUPPLEMENTAL APPROPRIATIONS BILLS, AND EARMARK FUNDING PROVISIONS

The appropriations process by design culminates in the enactment of each appropriations bill by the start of the fiscal year on October 1. Since the measures are must-pass pieces of legislation however, riders are frequently added to appropriations bills during the process to allow those individual non-appropriations provisions a better chance of being enacted. This practice usually delays final passage of appropriations measures beyond October 1. In order to keep federal agencies operating when the new fiscal year begins and new appropriations have not been enacted, Congress passes **CONTINUING RESOLUTIONS** or "CRs" which continue to fund federal agencies and their programs at the previous years level of spending. Continuing resolutions are frequently referred to as "stopgap" measures by the media and can be tracked via Status of Appropriations tables mentioned above.

If an appropriations cycle yields several contentious bills, Congress can negotiate large appropriations measures, folding more than one or several appropriations measures into one bill. Legislators are confronted with the prospect of not enacting a large number of programs if they choose to oppose particular provisions of these large bills by voting against the bill's passage. These large amalgamated bills are known as **OMNIBUS APPROPRIATIONS** bills or are sometimes called **CONSOLIDATED APPROPRIATIONS** measures and may be enacted long after the start of the new fiscal year. Omnibus bills can be tracked on the THOMAS Status of Appropriations table but the full text of the committee conference report, voted on at final passage by the House and the Senate, often may not appear in the *Congressional Record* for several days or even weeks. An essential tool in

tracking these complex and large bills is the Note field in the bill summary and status display (legislative tracking) in THOMAS. This field often refers to House Rules Committee rulings <http://www.house.gov/rules> and decisions, which are used to govern the debate of appropriations bills, and can often be the first place to obtain versions of an appropriations measure brought to a vote late in the process such as during final floor passage.

SUPPLEMENTAL APPROPRIATIONS measures are enacted during the new fiscal year to provide emergency funding for particular needs unforeseen during the regular appropriations cycle, such as earthquake or hurricane disaster relief, firefighting, or military activities during armed conflicts. The *Emergency Supplemental Appropriations Act of 2001*, Public Law 107-38 which was passed soon after the terrorist attacks of September 11, 2001, is a good example of urgently needed appropriations funding passed in supplemental appropriations measures.

An **EARMARK** is a term sometimes used to describe funding for a specific provision inserted into an appropriations bill. Earmark provisions can be added at any point during the consideration of a particular appropriation but are commonly unrelated to the scope of the appropriation itself. These sometimes controversial insertions are usually requested by individual members of Congress to target specific funding amounts to specific areas or local programs. On one hand a supporter of such a provision may claim that the provision is required to provide vital funding for a district or constituency, while opponents of the provision of earmarking in general claim that the insertion of earmark provisions annually add millions of dollars in unnecessary and wasteful spending to federal appropriations measures.

ANALYTICAL TOOLS ON THE FEDERAL BUDGET AND APPROPRIATIONS PROCESS

Two federal departments whose addresses appear in the bibliography below provide analysis of the President's Budget and Congressional Appropriations as chartered under federal budget statutes. As noted above the Office of Management and Budget (OMB) not only produces the President's Budget but also creates analytical publications throughout the year such as the *Mid-Session Review* issued in July 2003. The Congressional Budget Office (CBO) provides cost estimates of non-appropriations bills and appropriation measures, the *Budget and Economic Outlook* in January and *Budget and Economic Outlook: An*



Update in late summer as well as many analytical publications throughout the year.

In addition to the OMB, CBO and several non-governmental Internet sites and organizations noted in the bibliography below, three commercial subscription web sites provide excellent day-by-day analytical coverage of Budget developments: the Bureau of National Affairs (BNA) *Daily Report for Executives*, Congressional Quarterly's CQ.com, and National Journal Web site. Information on subscription prices and options are available for these online publications at the URLs listed in the bibliography below.

BOOKS ON BUDGET AND APPROPRIATIONS

Collender, Stan. *Guide the Federal Budget, Fiscal Year 1998*. Washington, D.C.: Rowman & Littlefield, 1997.

Munson, Richard. *Cardinals of Capitol Hill: The Men and Women Who Control Government Spending*. New York: Grove Press, 1993.

Schick, Allen. *Federal Budget: Politics, Policy, Process*. Washington, D.C.: Brookings Institution Press, 2000.

Wildavsky, Aaron. *New Politics of the Budgetary Process*. New York: Addison Wesley/Longman, 2003.

Wetterau, Bruce. *Congressional Quarterly's Desk Reference on the Federal Budget: Over 500 Uncomplicated Answers to Questions about Taxes and Spending*. Washington, D.C.: Congressional Quarterly, 1998. See also, Congressional Quarterly's *CQ Daily*, *CQ Weekly*, *CQ Almanacs* and *CQ Congress and the Nation*. ■

FEDERAL INTERNET SITES

THOMAS (Library of Congress)	http://thomas.loc.gov/
<i>Scroll down page to view Status Table of Appropriation Bills (FY1999 to Present)</i>	
Full-Text Appropriation Bills, Texts, Laws, FY1997-Current	http://www.access.gpo.gov/congress/legislation/appro.html
House Appropriations Committee	http://www.house.gov/appropriations/
House Budget Committee	http://www.house.gov/budget/
House Rules Committee	http://www.house.gov/rules
Senate Appropriations Committee	http://appropriations.senate.gov
Senate Budget Committee	http://www.senate.gov/~budget/repUBLICan/
Congressional Budget Office (CBO).	http://www.cbo.gov
Access to estimates to Congress on the cost of legislation, the state of the economy, and budget analysis. Major publications include the <i>Budget and Economic Outlook</i> issued in January and an <i>Update</i> issued in July or August. Other publications include an <i>Analysis of the President's Budget</i> , <i>Budget Options</i> , and the <i>Monthly Budget Review</i> .	
President's Budget Documents, FY1996-Present	http://w3.access.gpo.gov/usbudget/index.html
Office of Management & Budget (OMB).	http://www.whitehouse.gov/omb/
Access to the President's Budget documents (issued by the first Monday in February) and OMB analysis of the budget and the economy such as the <i>OMB Mid-Session Review</i> , (usually issued in August). The <i>Mid-Session Review</i> contains updated OMB estimates and projections of federal deficits.	
U.S. Treasury Tax Policy Office	http://www.ustreas.gov/offices/tax-policy/index.html

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FEDERAL AGENCY BUDGET WEBSITES

Agriculture	http://www.usda.gov/agency/obpa/Home-Page/obpa.html
Commerce	http://www.osec.doc.gov/bmi/budget/
Defense	http://www.dod.mil/comptroller/budgetindex.html
Education	http://www.ed.gov/offices/OUS/Budget04/index.html
Energy	http://www.cfo.doe.gov/budget/04budget/index.htm
HHS	http://www.hhs.gov/budget/docbudget.htm
Homeland Security	http://www.dhs.gov/dhspublic/display?theme=12
HUD	http://www.hud.gov/about/budget/ahmngt.cfm
Interior	http://www.doi.gov/budget/2004/04Hilites/toc.html#APPENDICES
Justice	http://www.usdoj.gov/jmd/2004summary/
Labor	http://www.dol.gov/_sec/budget2004/overview.htm
State	http://www.state.gov/m/rm/rls/bib
Transportation	http://www.dot.gov/bib2004/bibindex.html
Treasury	http://www.treas.gov/offices/management/budget/budgetinbrief/fy2004/index.html
Veterans Affairs	http://www.va.gov/budget/summary/index.htm

INTERNET SITES

American Enterprise Institute	http://www.aei.org
Brookings Institution	http://www.brook.edu
Center on Budget and Policy Priorities	http://www.cbpp.org
Citizen's Against Government Waste	http://www.cagw.org
Citizen's for Tax Justice	http://www.ctj.org
OMB Watch	http://www.ombwatch.org
Tax Policy Center	http://www.taxpolicycenter.org
Tax Foundation	http://www.taxfoundation.org

SUBSCRIPTION BASED WEBSITES

Bureau of National Affairs (BNA) <i>Daily Report for Executives.</i>	http://www.bna.com
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The BNA publication *Daily Report for Executives* contains excellent coverage of daily events involving federal budget and appropriations developments.

Congressional Quarterly CQ.com.	http://www.cq.com/
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Provides access to the *CQ Daily*, *Weekly*, *Appropriations Budget Tracker*, *CQ Appropriations Status Table* and other online publications, news articles on legislative developments including appropriations and budget.

National Journal.	http://nationaljournal.com/about/
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Provides access to *Congress Daily*, *National Journal*, Stan Collender's weekly "Budget Battles" column, *Hotline*, and other legislative tracking news.



I HAVE ATTENDED EIGHTEEN AALL ANNUAL MEETINGS and there are many highlights that remain in my memory – the closing banquet in New Orleans with its mini Mardi Gras parade; the indoor carnival, with bumper cars, at the West party in Minneapolis; the Capitol Steps performing in Washington. However, the 2003 meeting in Seattle is memorable as one in which the educational programs were better than the parties. One of the best that I attended was entitled “Law Made Public: Teaching Basic Legal Research to Pro Pers, Paralegals, New Associates and All Others in Between,” presented by Amy Hale Janeke and Judith Lihosit of the San Diego County Public Law Library.

At the Attorney General’s Office, we do not have pro ses although the library does receive phone calls from the public asking for information/legal advice and, of course, like every other law librarian in the country, or perhaps the world, I have my pen pals from the correctional institutions. But I do teach classes to the support staff, the summer law clerks and even to the attorneys on occasion. As the title of this program suggests, it gives valuable guidance to anyone teaching legal research.

Amy started by saying that law librarians cite many different reasons for avoiding teaching legal research to the public (lack of time, shortage of staff, the difficulty of knowing what to teach and how to promote the classes) but these problems seem minor compared with the problem of pro se litigants flooding the courts and law libraries. Surprisingly, many of these pro ses have some college education and choose to represent themselves because they are scared of or frustrated with the legal system. Legal research classes show them how the legal system works and how to do their own research. The classes are valuable for other groups as well — new associates and law students do not know how to use books and are unused to research in the real world; paralegals, clerks and secretaries become more marketable if they know how to do real research; court personnel learn what they are asking people to do when they send them to the law library for help.

They started with a basic introductory class which included information on what law librarians can and cannot do, finding state and federal laws and cases, Shepardizing, local forms and rules and finding free legal sources online. They charge a small fee (\$5.00) because people are more likely to attend if they have paid for a service, permit a maximum of 15 people and schedule classes that last no

longer than two or three hours and take place in the evenings when working people can attend. About one-third of the attendees go no further than the basic class, about one-third take an advanced class (pre-trial procedures, appeals) and another one-third decide to hire a lawyer (the last helps to deflect attorneys who do not approve of the concept).

Amy ended her presentation by telling of lessons she learned the hard way, from what seem the most obvious (remind the attendees to bring a pen and paper) to the most practical (“patrons can only sign up when they have paid the fee – no matter how much they beg!”) to the most valuable (do not, under any circumstances, allow students to ask questions specific to their case).

The librarians at the San Diego County Public Law Library started small by developing curriculum while working at the reference desk. Later they applied for and received LSTA grants which enabled them to expand the classes and hire substitute librarians. Judith spoke about the advanced and specialized classes they are also presenting. A class on pre-trial procedures teaches attendees how to prepare and serve a complaint and how to prepare forms and motions. There is even a class on civil appeals – this one lasts five hours – which leads the student through each step of an appeal in California. Plans for future classes include one on finding legal resources in Spanish and a Train the Trainer class designed for other law librarians in California.

Perhaps it is the right side/left side theory that makes my eyes glaze over when I hear phrases like “knowledge management” and “semantic web.” I like programs that are practical and down-to-earth and give me ideas that I can use in my own life. I am evidently not the only one. Due to popular demand, Amy has placed the materials from her presentation on the web at <http://www.sdcll.org/presentations.htm> ■

LAW MADE PUBLIC

*Beverly Rubenstein
Maryland Attorney
General’s Office*

“...SEATTLE IS MEMORABLE AS ONE IN WHICH THE EDUCATIONAL PROGRAMS WERE BETTER THAN THE PARTIES.”

LIGHTS DEADLINE

■ ■ ■ If you would like to write for *Lights*, please contact Tricia Peavler at lights@llsdc.org. For the most up-to-date information regarding the 2003-2004 submission deadlines, check the LLSDC Web site at <http://www.llsdc.org>.

MEETING IN TORONTO- ATTACK OF THE LIBRARIANS

Iris M. Lee
*The George Washington
University Law Library*

AN ALA ANNUAL CONFERENCE is an orderly bombardment of equality minded zealots descending upon an American city for one glorious week in June. The question I seek to answer for you is, "Does this invading force create heaven on earth for the literati or hell for those who just want to get to their next meeting before the room is filled to capacity." As I have a love-hate relationship with the ALA Conference, I may be objective enough to answer that question. The conference is just so large that participating in it can be a logistical headache. However, the fact that it is the behemoth of conferences for the library world is what makes ALA's meeting unsurpassed in providing opportunities for professional education, training and networking.

It seemed to me that this year's conference was a little smaller than previous ALA conferences that I have attended in New York and San Francisco. Perhaps the constant coverage of the SARS epidemic, which remained in the headlines right up to the beginning of the conference, decreased attendance somewhat. None of the programs I attended were so packed that the site manager had to threaten to call the fire marshal to get the 50 or 60 people who could not get into the meeting room to move away from the door as happened in San Francisco. Even so, over 17,500 people attended the conference.

While such a large conference is great for an association that depends upon the gathering for a significant percentage of its income, several logistical problems are inherent. This year there were 29 conference hotels; even so, getting a room in a conference hotel was difficult. Within a couple of weeks of the travel desk opening, a room for several days in a conference hotel was impossibly hard to come by. And if you cared not to be in the most expensive hotels, which ran over \$200/night, or in the hotels that were furthest away, you had to forget about staying in a conference hotel at all. Six weeks before the conference, when the SARS hysteria was at its zenith, I had a really hard time finding a hotel room anywhere in Toronto.

As in the past, the conference hotels were not limited to the area around the convention center. Hotels located in various areas of Toronto were selected as official conference hotels. For attendees, like me, who stayed in the hotels that were not within walking distance of the convention center or headquarters hotels, each day began with a ride on a shuttle bus or the Toronto subway to the convention center. Over the years, I have found that it is

essential to begin each day by checking the cancellation and schedule changes column of the conference newspaper to avoid wasting a lot of time later in the day.

The size of the conference not only affects the dispersal of lodgings, but the conference programs are also spread throughout the city. No single convention site is large enough to hold all of the more than 2000 meetings, programs and discussion groups that take place at an ALA Annual Conference. Consequently, most attendees spend a good part of their time on shuttle buses moving from one convention site to another, even if their hotel is located near the convention center. If a meeting in one part of town is canceled without advance notice, it is likely that you will have to take a bus back to the convention center, and then another bus to another section of town to arrive at an alternative program of interest. Hence, the importance of checking the cancellation and schedule change column in the conference newspaper each morning before venturing out to programs.

Even though the association decided not to cancel or move the conference out of Toronto, many programs were cancelled. One day all of my first choice and a couple of my second choice programs were cancelled. I noted that of the 14 canceled programs that I had hoped to attend only two were programs to be lead by librarians. In general, librarians showed up with their typical enthusiasm for service and zealous support for equal access to information.

As I said in the opening I have a love-hate relationship with the ALA conference. The large size of the conference is both its biggest drawback and greatest strength. In numbers, not only is there strength, there is also a great diversity of interests. Looking through the conference's massive program, I had no fear of seeing some of oft-performed AALL offerings like "From Nutshells to Netscape Redux Part 15."

Of course ALA programming delves into topics that cannot be expected to be covered by an association limited to the law libraries. However, it is not only the breadth of programming, but also the depth of coverage that makes this conference a great opportunity for any librarian. The Toronto conference included full day tracks of programs in various areas of librarianship such as copyright, intellectual freedom, staff development, administration, digital information, technical services and user services. Keynote and plenary session speakers included Gloria Steinem, Eleanor Smeal, Ralph Nader and Naomi Klein. As long as your definition of diversity is limited



to the left side of the socio-political spectrum, the ALA conference always offers plenty of programs and activities to suit your interests. So one answer to the heaven or hell question is now clear: the ALA Conference is a liberal heaven, conservatives need not attend at all.

Unlike AALL, ALA members have embraced corporate sponsorship without reservation. The conference newspaper is dominated by corporate advertisements with more than 50% of the space in each edition devoted to ads. The large number of exhibitors had to be split between two halls on opposite ends of the convention center. And the exhibitors were generous with the trinkets, too. The most sought after freebie went to children's and school librarians. Scholastic, the publisher of the Harry Potter series, gave away copies of the newest book in the series at a huge party the night of the book's release. As law librarians are of little consequence at this conference, I did not score tickets to the Harry Potter party nor could I afford tickets to any other fabulous events with best selling authors or renowned social commentators.

Hot issues of the conference included criticism of the Supreme Court decision upholding the constitutionality of the Children's Internet Protection Act. After seeing other attempts to enforce filtering struck down by the Court in the past, the director of the association's Office for Intellectual Freedom was surprised by the decision. In her opinion, the justices seemed to not completely understand the technical issues involved in activating and deactivating filtering devices for patrons of various ages. Other big issues of the conference were the reports and meetings of the task force established to study ways to increase the pay of library workers. The Task Forces held several programs and meetings throughout the conference. Opposition to the USA PATRIOT Act in general and its requirements upon libraries in particular was another important topic discussed at the conference. Finally, the ubiquitous budget cuts that are impacting the ability of libraries of all sizes and types to meet patron needs were addressed in some aspect in most programs.

My primary reason for attending the ALA conference this year was for training. I have been selected to serve as a reviewer for ALA's accreditation review of the library schools. The staff of the Office on Accreditation strongly suggests that reviewers attend training as often as possible and at least every two or three years. I decided to attend this year's conference despite the threat of SARS. As training for

external reviewers is held only at the ALA Annual Conference, missing this year's training would have meant that I would have to attend the conference in Orlando next summer. While I would hesitate to call Orlando, or any other place, hell, having to go there in late June for work is clearly a punishment. As the city has no late night bookstores, it may be justifiably called hell for librarians. ■

CONTINUED FROM PAGE 2

LLSDC president, or me if you have an activity you would like to see covered. We will also have a series of articles covering researching with various federal agencies. The first entry is this issue's article on the FDA written by Jennifer Korpacz, who did such a terrific job as last year's Lights Editor. Thanks to Jennifer for all her hard work as editor and her willingness to continue contributing to the success of Lights.

This is your publication. Our greatest strength as librarians comes from our willingness to share our knowledge with others. Please consider contributing an article, and you too can see your name in *Lights*. ■

INFOCURRENT AD



THE CONVENTION – FIRST PERSON ACCOUNT OF A NEW LOCAL LIBRARIAN

*Rita Kaiser
King County Law Library
Seattle, WA*

**“...IF YOU WANT
TO GET THE FULL
CONFERENCE
EXPERIENCE, IT IS
MUCH BETTER TO BE
IN A CITY THAT IS
NOT YOUR OWN.”**

I HAVE BEEN IN THE SEATTLE AREA NOW FOR THREE YEARS. Prior to my move, I spent twelve years in Washington, D.C., with ten of those years at McKenna & Cuneo – now McKenna, Long & Aldrich, LLP. When the AALL convention came to Washington, D.C. in 1999, I was the co-chair of the Hospitality Committee for our Local Arrangements. It was an experience I never forgot, so when I heard that AALL was coming to Seattle I knew what the local society, the Law Librarians of Puget Sound, was in for. Amy Eaton and Katherine Foster served as the Local Arrangements co-chairs and they started asking for help. Jean Holcomb, the Library Director for the King County Law Library, the institution I now call home, volunteered to be the chair for Registration and most of us on her staff volunteered for this committee. Rita Dermody, the Collection Access Librarian, and I ended up as part of this committee and together with Betsy Chessler of Perkins, Coie, we became the Bag Stuffing Sub-committee.

As the Law Librarians of Puget Sound is a small organization of around one hundred members, we knew it was going to be a challenge to recruit volunteers for this most interesting of assignments. Ann Hemmens, the Volunteer Chairman for Local Arrangements, started sending names of those who could help. We knew that we would need at least thirty volunteers. I created a group email address and started requesting help. I kept asking Ann for more names as we got closer to the deadline and found out that there might be a record number of attendees for the conference. Let's face it, Seattle in July is one of the best places on earth! We Seattle residents always tell visitors about the January, February and March non-stop rain so they won't consider moving here. We do not mention that the rain is usually of the mist variety and not all that cold.

When the date for stuffing the bags came, we had 45 volunteers for the stuffing, including librarian friends who came to town early and former Seattle residents. We started the stuffing at 9:00 A.M. While the bags the Bureau of National Affairs provided were some of the best I have seen, they had two problems. First, the bags had a flap that we had to open before we could put anything into it and second, the strap had a piece of paper taped to it that we had to remove. We set up two long tables with room for volunteers to walk down each side picking up the materials. At the end of each

table other volunteers waited to place the material in the bags and hand them to the stackers. Our stackers were the best, two Bills and a Gail (Bill Logan, Bill Kirchoff and Gail Warren). Rita Dermody and Betsy Chessler had everything ready for the lunchbreak, and spent much of the morning keeping everyone organized and supplied. Rita even labeled the lunches and Betsy had readied the directions to lunch as a bookmark. All the volunteers worked as quickly and efficiently as possible. So many helped that I cannot even try to mention each by name. We had a marvelous contingent of University of Washington Law School librarians and most of the firm librarians and their staffs.

With all these great people, we did the impossible. We finished the bag stuffing in a little over two hours! According to others, this may be a new record. I know I thought it was an amazing feat.

Then it was on to training for Registration and the beginning of the convention. I saw many old friends at the beginning of the convention and enjoyed visiting with them. As the King County Law Library had a tour scheduled for Monday, I spent my Monday back in our library, so I missed all the Monday programs. Tuesday I spent the morning in our branch library at the Regional Justice Center in Kent. That afternoon I joined Jean Holcomb, our Director, to give a presentation on Model Reference Behaviors, as taught by Ralph Gers and Nancy Bolin of Transform, Inc. Our library had sent our staff members to their training and then implemented the system in our library. By the way, it really works.

On Wednesday, I actually got to go the convention. However, as luck would have it, I managed to catch the skirt of my dress in an escalator on my way from the bus tunnel. As a huge black streak now appeared on the back of my dress, I needed to find something else to wear. I visited Nordstrom's and came out wearing a new dress, exactly like my old one but in another color. Then I ran into another old friend and had lunch with him. Rick Stroup, Kim Ositis and I presented in the afternoon. After we were finished our program, I attended two other programs. They were the first ones I managed to see and the convention was over.

Therefore, as you can see, it can be interesting to be living in the host city. But, if you want to get the full conference experience, it is much better to be in a city that is not your own. ■



BNA AD

**THE SPECIAL
LIBRARIES
ASSOCIATION
CONFERENCE
IN NEW YORK
CITY —
“PUTTING
KNOWLEDGE
TO WORK”**

*Jeffrey R. Stickle
MCI Law Library
Past Chair, SLA Legal
Division*

**2003 WAS THE
LEGAL DIVISION'S
10TH ANNIVERSARY
AND IT HAS GROWN
IN THOSE SHORT 10
YEARS TO OVER
1200 MEMBERS.**

PLANNING LEGAL DIVISION ACTIVITIES

In June the Special Libraries Association (SLA) held their 94th annual conference in New York City. SLA has over 12,000 members and 23 divisions representing members interested in specific subject areas. The Legal Division is one of the largest of these divisions. As Chair of the Legal Division I have a unique perspective of the conference experience as I was responsible for planning all the activities of the Division at the conference. I was not alone in this task as there was an array of volunteers who helped make the Legal Division activities a success.

A tremendous amount of work goes into staging any conference. With an organization the size of SLA, representing so many diverse information professionals, the planning requires the coordination of many people. If you have an opportunity to become involved in planning a conference you should take it. It is quite an educational experience to learn the level of detail that is required to launch a successful conference. It also is an opportunity to work with dedicated professionals who aim to advance the library/information profession.

Overall organization of the SLA annual conference is the charge of a conference planning committee. They set the general theme of the conference and work with the volunteers, Board of Directors, and headquarters staff on the details of the conference. While there are many volunteers from the divisions to address a division's programming, the bulk of the organization of the physical details of the conference falls to headquarters staff. They did an outstanding job in organizing the activities between three hotels.

New York City was a very successful SLA conference with almost 7,000 people attending. NYC is a troublesome location because of the high costs, but that disadvantage is offset by a location convenient to a huge population along the eastern seaboard and a tremendous concentration of publishers and information professionals. NYC also offers all the fun and interesting activities for which it is famous. It has great eating, shopping, theater, museums, and sightseeing for those who could drag themselves away from the conference activities.

While the conference committee and SLA staff plan the major events at the conference, the majority of the programs and activities are under the direction of the various division chairs. 2003 was the Legal Division's 10th anniversary and it has grown in those short 10 years to over 1200 members. Several years ago it became apparent that the division chair could not be expected to

manage all the details of the many activities the division sponsored. The Legal Division adopted a structure used by several of the other large divisions for conference planning. We added a planner to assist the division chair with the details. We also brought the Chair-elect and the planner for the next conference into the process so they could gain experience in planning and develop additional institutional memory of how things were done. The team for the 2003 conference was made up of myself; Lori Hedstrom, Manager of Librarian Relations for West as Planner; Charlene Cunniffe, Chair-elect, and Karen Krupka, Planner for the Nashville conference in 2004. Charlene is on the SLA Planning Committee for Nashville in addition for being responsible for the division activities in Nashville. Karen was Treasurer of the Division at the time which was a great help as she was familiar with the financial aspects of how the events were paid for from the previous year's conference in Los Angeles. Another important person in the conference planning process was our Vendor Relations Chair, Gitelle Seer whose job it was to coordinate the generous support provided by our vendors. The planning for NYC started at 2002 Winter Meeting in Savannah Georgia a year and a half before the conference. By the end of 2002 most of the programs and activities were in place and the five months leading up to the conference were spent in getting the details filled in.

**CONFERENCE TRACKS AND
DIVISION ACTIVITIES**

The NYC conference was organized around three themes or tracks, State of the Art, The Future, and Globalization. Each weekday of the conference was devoted to one of the tracks and division programs were expected to reflect that day's theme. Unlike previous conferences where there was one opening speaker, NYC had a keynote speaker for each day. David McCullough, historian, author and television personality opened Monday's activities. Stewart Brand, futurist, co-founder of the WELL, and creator of the "Whole Earth Catalog" was the keynote speaker on "Future Directions" Tuesday. Madeleine Albright, former U.S. Secretary of State, spoke on globalization of politics and information on Wednesday. These speeches are events under the control of the planning committee and headquarters staff as are other major social events such as the opening and closing receptions. As you might expect, these activities are expensive and vendor conference sponsors underwrite their costs.

It would be difficult to have come to the



conference and not found many interesting activities to participate in. The Legal Division put on two continuing education courses, Legal Indexing and Taxonomy and another on negotiating intranet/extranet licensing. Six other programs were hour and a half presentations on various subjects. Genie Tyburski and Gary Price, well known internet experts, spoke about web tools. Genie and Lexis' Jenny Kanji presented their ever-popular 60 Sites in 60 Minutes with an international flavor. West's Robyn Rebollo moderated a program on offering world-wide library services. Charlene Cunniffe moderated a program on best methods for training. Gitelle Seer and Lexis' Gayle Lynn-Nelson moderated a session for those wanting to move into law librarianship. I moderated a program on corporate responsibility that discussed Sarbanes-Oxley and web resources for corporate responsibility. Another program that the Legal Division has presented for several years is the Emerging Technologies Breakfast, sponsored by West, where, this year, Nathan Rosen, Tom Fleming and Linda Will discussed the hot new technology products being deployed. The presenters at these programs represented years of practical experience and cutting edge knowledge of the information profession.

Within the Legal Division there are four Round Tables which are informal groups organized around topics of interest to their members. These groups can meet to discuss the state of affairs in specific areas of interest. However, this year all of them had themes associated with their meetings. The International Round Table, chaired by Martha Foote, had a brunch meeting with a presentation on global terrorism. The Tax Round Table, chaired by Judy Parvez of Tax Analysts met for brunch and a well received presentation by Susan Klopper on U.S. tax research. The County, Court & Province/State Libraries Round Table met to discuss resource sharing. The Corporate Librarians in Legal Settings Roundtable, moderated by Jill Gray current Chair-elect-elect of the Division, discussed the pros and cons of products being offered for library management.

The Bureau of National Affairs (BNA) gave a breakfast for Legal Division members which has become a tradition at the SLA conference. Kammie Hedges of BNA worked closely with all of us planning the conference to make this a success. The breakfast allowed us to meet BNA management and discuss their products. BNA has the unique honor of being the first vendor to sponsor Legal Division activities. As soon as the

Division was formed 10 years ago BNA asked how they could help. Over the years the company has have been a good friend to the Division and this year presented the Division with a generous check in honor of our 10th anniversary.

The Division Business Meeting Luncheon was well attended. It was sponsored by LexisNexis, which also has been generous to the Division. Cindy Spohr, Director of the Library Relations Group made the arrangements for the lunch. Cindy also served as the Division Planner for last year's conference in Los Angeles. That is a big commitment and Cindy taking the time to do it and her employer allowing her to do it is another example of the support LexisNexis has provided to the Division.

One of the most important opportunities the SLA conference provides law librarians is the chance to attend non-legal programs and develop professional relationships with librarians with expertise in other fields. The activities mentioned above were put on by the Legal Division but there were dozens of other programs that covered important non-legal subjects. Today's law librarian is called on to provide quality information service in many non-familiar areas such as finance and science. In NYC attendees were able to go to programs of interest and get to know experts in those specialties who, like most librarians, are more than willing to share their knowledge. These networking opportunities can lead to relationships that can last a career.

No conference would be complete without lots of social events. It has been a tradition at SLA for many of the divisions to rent suites to provide a place to come and relax and have some snacks or drinks in the evening. The various division suites also provide another place to mingle with peers from other types of libraries or information centers. The Legal Division suite was generously sponsored by West this year.

The big party for the Legal Division was our 10th Anniversary party. It was sponsored by the Practising Law Institute (PLI) at their training center near Times Square. Jill Porter, Director of Library Relations was our hostess. PLI provided great food and drink coupled with spectacular views of Manhattan. The Executive Director, Victor Rubino, greeted us and wished the division continued success. Several others spoke and recalled the beginnings of the Division and commented on the success it has become in 10 short years.

VENDORS AND VOLUNTEERS

None of us should forget the generosity of the

ONE OF THE MOST IMPORTANT OPPORTUNITIES THE SLA CONFERENCE PROVIDES LAW LIBRARIANS IS THE CHANCE TO ATTEND NON-LEGAL PROGRAMS AND DEVELOP PROFESSIONAL RELATIONSHIPS WITH LIBRARIANS WITH EXPERTISE IN OTHER FIELDS.

vendors we all deal with. Conferences help us form and renew professional relationships, improve our skills and have fun. They are not cheap in any location. Without the money provided directly to the Legal Division for our activities and to SLA by the sponsors and exhibitors we could not afford to have a conference. Not only do they provide money, but their staffs spend a great deal of time on conference planning. For this year's conference Lori Hedstrom of West spent many long hours as the Legal Division Planner. Had she not been willing to take the time from her regular duties and West permitted her to do so the Legal Division's activities would not have been as good as they were. Jill Porter of the Practising Law Institute, Kammie Hedges of BNA, and Cindy Spohr of LexisNexis spent a great deal of time planning events for the Legal Division. Others generously sponsored programs and donated money such as Dialog, Mergent, William S. Hein & Co., EOS, Cisti, Derwent and GSI. In the past some of our vendors have allowed their employees to serve in various capacities, including as board members, that have helped the Legal Division immeasurably. I, for one, value their contributions to the Legal Division, and their support of the profession.

I enjoyed the conference because of the opportunity to meet new people, learn new things, and because it marked the culmination of a lot of effort and organization over a couple of years. What really stands out in my mind are the people that I dealt with in the planning and that I met at the conference. Librarians tend to be generous folks and their generosity in helping the Division have a successful conference amazed me. There are innumerable details that have to be looked after for programs, events, and general shop keeping and a lot of volunteers stepped up. There were many local volunteers from the Law Library Association of Greater New York (LLAGNY), coordinated by Joni Cassidy and her staff at Cassidy Cataloging, who provided invaluable help in with the many details of the division's activities on the ground in NYC. These are the New Yorkers that make the city great. The program moderators and presenters did a lot of work to craft an excellent array of programs. They received positive reactions to the quality of the programs. Our members who came to the conference provided plenty of opportunities to interact and enjoy the great location that New York City provides. People and location made it a great conference. ■

TRAK LEGAL AD



BEING CHOSEN TO ATTEND AN ANNUAL CONFERENCE is both a blessing and a curse. Think of the useful programs to attend! The mass of business cards you will add to your collection! The interesting people you'll meet! The opportunity to see the Floating House used in *Sleepless in Seattle*!

But be very afraid of your co-workers upon your return, because if you don't bring back the vendor loot - the stash, the swag, the booty, the prida - collected in the Exhibit Hall, you will be In Big Trouble. Trouble as in your colleagues will start to mutter as they paw through the goodies you leave on the Reference Desk; dark looks will be sent your way as they comb through yet more plastic pens and vendor publicity sheets (you know you desperately threw them in there in the hope of placating the wolves). This will escalate to elbows and feet becoming entangled in yours, research that mysteriously disappears, nasty messages taped to your cubicle and eventually lead to someone slashing your favourite Sean Connery READ poster!!

Or maybe that's just my colleagues.

Is the loot worth such fear? Do your colleagues have the right to demand that the person who gets to travel to these exotic locales bring back goodies? Has anyone else noticed that we Librarians are one of the few conference groups who drink like fish, but don't trash the hotel rooms? Do the blinking Westlaw pens cause seizures? The answers to those questions are: Yes. Yes. I never touched the mini-bar. Probably not - I'm sure the foaming at the mouth is caused by something completely unrelated.

Anyway, the item I almost didn't pack to bring back from Seattle has become our greatest hit. Secretaries and associates threaten to make off with it on an almost daily basis. Partners walk by, eye it and try not to look too interested as they stop to peer more closely. I'm not talking about the Westlaw thermos (though it was worth carrying that around just to have airport security whisper something about cylindrical bomb-looking items as they upset your neatly folded clothes) nor even the ubiquitous Lexis calculator. The item most looked at askance was the *Lexis faux-fish tank*. Ladies and Gentlemen of the Library Community - this is just not any fish tank. This is a fish tank that runs on two C Batteries with three plastic fish that scramble around the catalogue-card-sized tank with reckless abandon. It is a metaphor of sorts for daily life at a law firm library - and I use the term "of sorts" here very loosely. You scramble around looking for faux-fish food and try not to bump into the other yellow and blue fish swimming around you.

If anyone can turn that metaphor into something relating to Library Research, I'll give you one of those seizure-inducing light-up Westlaw pens.

This wonderful item can be set on a desk, or hung on a wall (to be differentiated from "hanged from the wall" which is what happens to animate objects, such as yourself, who returned from the convention without this nifty item). It slices, it dices, it magically calms raging attorneys and panicked associates and provides an interesting talking point for Library Services (if one were inclined to discuss services while being hypnotized by plastic fish).

The Lexis radio was also popular, though most looked a little sick having to take not only the radio but also the headphones, which I had been required to stuff into my ears at the Lexis booth in order to get the radio (the ear-wax problem is nearly fixed, I promise). Very few non-conference attendees understand the sacrifices one has to go through to obtain these fabulous prizes and if I had to sit through all those Lexis presentations (props to our Lexis rep - I already knew the spiels!) then, by golly, my colleague can take the headphones without whining. We all have to contribute to the greater good! We all need to work together and sacrifice our boss to the Vendor God...wait...I've lost my train of thought.

This point in my rant may be a good time to ask the real tough questions:

Where are the Westlaw roller bags given out in Minneapolis? I use this bag religiously, I love this bag, my cats rub against it like it's filled with catnip and even my husband has learned to Worship the Bag. I harass my Westlaw rep for more of them. If anyone from West is reading this, please be sure to give a raise to the person who suggested this as the vendor gift a few years ago. I would send them money myself, but I've invested all of it in plastic fish stock.

Where is the Lexis associate gift? That very nifty leather organizer - very useful for whipping out of one's rolling Westlaw bag (please forgive me my vendor-mixing!), opening up and looking ever so alert in those early-morning or late-afternoon programs. Mine is filled with cartoons, frantic pleas for chocolate and, rather forebodingly, yellow and blue fish.

Who gave out those great rubber, water-squirting purple fish and why didn't I grab more than one? Just as a quick aside - does anyone else notice a fish theme here? It's rather like decorating with vendor gifts - Martha Stewart Style (drape the plastic sea-

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OFFER UP THE SWAG @ YOUR LIBRARY: THE AALL ANNUAL CONFERENCE VENDOR LOOT WRAP-UP

*Abigail Ellsworth Ross
Howrey Simon Arnold &
White, LLP*

HAS ANYONE ELSE NOTICED THAT WE LIBRARIANS ARE ONE OF THE FEW CONFERENCE GROUPS WHO DRINK LIKE FISH, BUT DON'T TRASH THE HOTEL ROOMS?



TEACHING OLD AND NEW DOGS REFERENCE INTERVIEW TRICKS

Sarah Nagel
Bryan Cave LLP

"IF A STAFF MEMBER IS ALREADY THINKING ABOUT THE BEST WAY TO ANSWER A QUESTION BEFORE THE PATRON HAS EVEN FINISHED EXPLAINING HIMSELF, THEN THE LIBRARIAN HAS NOT BEEN LISTENING."

CONDUCTING EFFECTIVE REFERENCE INTERVIEWS CAN BE DIFFICULT when you are dealing with a patron who is rushed or agitated. Whether you are dealing with a frantic partner, a desperate student, or a disenchanted member of the public, communication skills can break down when the two involved parties are under pressure. Jean Holcomb and Rita Kaiser proposed new solutions to reference interview technique problems at their joint AALL presentation, "Teaching Old and New Dogs Reference Interview Tricks."

Their first concern was to share with the audience a checklist of key reference skills:

- to focus on the patron
- to identify the question
- to verify the question
- to select the appropriate resource
- to follow up on the reference interview

They also noted that librarians can develop their own personal reference skill checklist using the language and skills that are more relevant in their libraries or research centers.

In order to implement these skills, librarians can create group practice exercises that are tailored to their research center in order to facilitate reference interview training sessions. The first step in that process is to identify some of the most common research topics and information requests in that particular library. Some broad examples might be taxation, estates, or employment. At that point, Holcomb and Kaiser advise librarians to "brainstorm a master list of common questions asked by patrons." When compiling this list, one should write potential interview situations beginning with a patron's initial broad request for assistance and moving towards more specific queries, for example, "I am having a problem finishing a project on time and I was hoping you could help. I need to know more about temporary licenses to distribute alcoholic beverages. Specifically, I'd like to know whether it's necessary to apply for one in D.C. if alcoholic beverages will be served, but not sold."

These sample scenarios can be used as "scripts" in role playing exercises for staff members. During these exercises, library staff should focus on the key reference skills listed above, and in addition, should take care to exhibit the following, positive behaviors:

- greeting the patron
- opening the interview (offering to help)
- providing feedback
- remaining attentive

- asking open ended questions
- delaying consideration of resources

The emphasis of this segment of Kaiser and Holcomb's presentation was on developing and maintaining a connection with the patron from the onset of the reference interview and extending it past the conclusion of the reference encounter itself. Though it is sometimes difficult to delay consideration of the best resources as they suggest, the point they make is an important one. If a staff member is already thinking about the best way to answer a question before the patron has even finished explaining himself, then the librarian has not been listening. Careful consideration of what the patron is asking for is essential if a question is to be answered correctly and fully the first time.

Implementation strategies involve the development of a personal action plan that sets benchmarks for performance, for example "I will greet each patron warmly 90-100% of the time," identifying practice opportunities to promote the attainment of these goals, identifying personal obstacles, identifying the resources necessary to overcome the obstacles, and identifying rewards for attaining the goals.

In addition, Kaiser and Holcomb provided sample documents from the King County Law Library that help support the implementation of the new interview techniques. Included in the handouts were one reference intake form for phone or in person interviews, and a script of potential responses for virtual reference services. ■

CONTINUED FROM PAGE 15

weed you get at sushi restaurants on your fish for an inexpensive coordinating accent!).

Here, though, one wonders how wise it is to give a Librarian, who works in a room surrounded by books, an item that is designed to squirt water at one's colleagues. That WAS its purpose, was it not? Well, then, consider it retribution for the damage done to Sean Connery.

This article is a reflection of my own views, not the firm's, nor any other Librarian's, nor even those of the head of the Canadian Football League. All people mentioned, named, implied, or painted are fictitious including, some say, the author herself. Though she would dispute this most heartily and bring up the fact that she hasn't seen you out and about lately. ■



OF THE MANY CLASSES WE LAW LIBRARIANS MANAGED TO SQUEEZE IN between sight-seeing activities in Seattle this year, *Re-inventing Trademark Research for the 21st Century* was one of the most useful. Given by Frank Curci, a Partner at Preston, Gates & Ellis, LLP and Colette Napoli of Thomson Dialog, this program presented a brief overview of trademarks in general and some concrete information on trademark clearance searches.

Mr. Curci gave the definition of a trademark as a “word, symbol, device or any combination thereof...used in association with goods or services.” In fact, in the United States, even smells and sounds can be trademarked. NBC trademarked its three-tone ring and Harley Motorcycles tried to trademark the distinctive sound of its V-Twin engine, though they eventually withdrew the application due to an ongoing court battle.

The United States is one of the few countries left in the world with a “use-based system,” as opposed to a “First to file” system, used by the EU countries and Japan. Both have their pros and cons. First use can be hard to prove but offers initial protection for companies that have used a mark for years before registering. The First to file system can foster trademark brokers and cyber-squatters — people who register a famous mark without any prior use then offer to “sell” it to the original user. In an effort to correct problems in both systems, several countries have recently worked on or passed anti-dilution statutes, which function as extra protection for famous trademarks. These statutes, in effect, help preserve a mark’s value by preventing the use of a mark by someone else, even when there is no likelihood of confusion.

The U.S. system offers several layers of mark registration. The registrar can choose which layer would offer them the best protection for their mark use:

1. Common law – no registration is necessary as use of the mark over a period of time can be proven (indicated by the TM or SM symbols)
2. State registration – a trademark can be registered in one or more particular states. This method can be less expensive than a federal trademark but only offers protection in the registered state.
3. Federal registration – the highest level of protection; grants registrant exclusive right to use mark in connection with specific goods or services within the U.S.; ability to

bring action in federal court; ability to obtain registration of mark in foreign countries (you can only use the (designation if you have a federal registration).

All of this background information is essential when performing trademark clearance searches to determine if a desired trademark is already in use. As Ms. Napoli stressed several times throughout her excellent presentation, “It is the responsibility of the applicant to make sure that a mark is not already in use,” and a thorough search must be performed by an applicant as due diligence. This is no easy task, given the sheer number of trademarks in the United States. There were 215,417 trademark applications in 2002 alone, up from 36,273 in 1980. But even that isn’t the real cause of difficulty. The trouble comes when actually performing these searches, as there is no one comprehensive source available.

That adage of “you get what you pay for” applies here in spades. The U.S. Patent and Trademark Office (USPTO) offers trademark searching, but unlike sources such as Dialog, you cannot utilize wildcards or manipulate your results. The majority of truly useful sources needed to perform clearance searches are fee-based. All or some can be used depending on what type of trademark the applicant is registering. In general, these sources consist of the following:

1. Federal trademark database - <http://www.uspto.gov/main/trademarks.htm>
2. State trademark database (Secretary of State)
3. Common law databases (news, journals, publications, advertisements, etc.)
4. Corporate name search – (Choicepoint or similar sources)
5. Internet
6. Domain names (Dialog #225 – Whois and Whowas)

In addition to the plethora of sources, there is also the inherent difficulty of covering all possibilities in a trademark search. Searches must take synonyms, translations, misspellings, slang, phonetically similar words and plurals into account. The USPTO does not differentiate between the use of the word “green” or a translation of that word such as “verde” or “gruen” so a good trademark search will take all language variations into account. If this is starting to sound overwhelming, it is not surprising. It takes years of practice to be an expert trademark clearance searcher and

THE TRIALS OF TRADEMARK RESEARCH

*Abigail Ellsworth Ross,
Howrey Simon
Arnold & White*

HARLEY MOTORCYCLES TRIED TO TRADEMARK THE DISTINCTIVE SOUND OF ITS V-TWIN ENGINE.

there are services that exist solely to help with this type of information.

Ms. Napoli provided a simplified search formula for those who are just starting to conduct trademark clearance searches. Start off with what she called a “knock-out search” or a search for the exact wording or logo of the desired trademark, in the exact class (service of good description) one wishes to use it in. If there are no results then move on to marks that may be confusingly similar. This is where

Dialog’s “expand” command can be an invaluable tool, and highlights the importance of using a fee-based service.

The average attendee walked away from this program with a healthy respect for trademark search experts, but also some background information on trademarks in general and a list of baby steps to be used in developing their own search skills – a good mix of theoretical and practical knowledge to be put to good use for the next trademark reference request. ■

WEB SEARCH U.

*Tricia Peawler
Jenner & Block LLC*

I ATTENDED WEB SEARCH UNIVERSITY in September in D.C.. The two-day conference is put on by Information Today several times throughout the year in different locations. Subtitled “Power Searching with the Pros,” the conference gathers many of the gurus of web searching to offer their insights into search tools, strategies, and new developments in both free and pay online sources. Though more expensive than association conferences, the fact that it was in D.C. made up for that. They held fifteen sessions over the two days and I consider it \$495 well spent, if only for the fresh enthusiasm I feel for trying to keep up.

On my sleepiness scale of conference quality I am rating this event two eyes wide open, though that may have as much to do with the sub-arctic temperatures of the Washington Hilton as the quality of the presentations. Despite being forewarned the second day, my jeans and fuzzy shirt were nowhere near being up to the task. I think only mittens, earmuffs and industrial strength thermal underwear could have made the room bearable.

The one point we heard repeatedly was try to multiple search engines, good advice in these days of Google mania. Donna Fryer, owner of Global Information Research, gave a presentation on Search Engine Overlap and Comparisons as well as a very useful session on using the Web to gather competitive intelligence. Marydee Ojala, editor of ONLINE magazine, gave an interesting presentation called Google Intensive which gave tips on using Google more effectively.

Greg Notess, founder of Search Engine Showdown, had a session on browser tips where he discussed ways to speed up online navigation with keyboard shortcuts and mouse tricks. One topic of interest from that session was bookmarklets. For those of you like me who don’t know about these, they are downloadable shortcuts available on the web that allow you

to do things like remove ads, change annoying background colors. etc., with a single click of the mouse. I plan to read his article, “Bookmarklets, Favelets, and Keymarks: Shortcuts Galore,” ONLINE 27(4): 38-40, July-August 2003, to find out more about this.

Other presenters included Gary Price and Chris Sherman of *Invisible Web* fame (among other numerous claims to fame), Bob Berkman, editor of Information Advisor, and Mary Ellen Bates, owner of Bates Information Services. Mary Ellen urged us to package our materials to highlight the added value we bring to our research services. A vendor presentation caught my attention in regard to that concept. Netsnippets.com has software that allows you to capture information from the Web as well as documents and combine them for a neat annotated package presentation. I am going to try it out. Check with me in a few months to see how it is working out.

I would recommend this conference for the librarian who wants to stay on top of the latest search techniques but feels somewhat inundated by the wealth of material available. But, if it is at the Washington Hilton, wear a parka.. ■

**I THINK ONLY
MITTENS, EARMUFFS
AND INDUSTRIAL
STRENGTH THERMAL
UNDERWEAR COULD
HAVE MADE THE
ROOM BEARABLE.**

DATES TO REMEMBER

Dates to Remember (DTR) is a monthly (September – May) newsletter designed to keep the membership informed of current Society events. *DTR* and the Society’s Master Calendars are now being handled by the Society’s management office. To clear your date and publicize the event, please contact Millie Gallahan at 703/619-5033 or management@llsdc.org.

THE VIRGINIA ASSOCIATION OF LAW LIBRARIES

is meeting with the Virginia Library Association November 5 -7, 2003 at The Homestead (www.thehomestead.com) in Hot Springs, Virginia, for a joint conference. The theme of the conference, People Serving People, is one that strikes a chord with everyone who works in libraries. Author Rita May Brown and Thomas Jefferson portrayer Clay Jenkinson are featured speakers at the general sessions. Chris Crowe, winner of VLA's Jefferson Cup for Mississippi Trial 1955, will speak at Friday's author luncheon.

Thursday programs of interest to law librarians include Ethics and Professionalism in Libraries; Federal Administrative Decisions; Virginia Regulatory Town Hall (recipient of AALL's 2003 PAGI award): Researching Tax and Environmental Law: What You Need to Know; and The TEACH Act.

After a day of meetings, enjoy a scrumptious Homestead dinner followed by an opportunity to work off all those extra calories dancing to the music of #9 Dream, a Beatles tribute band.

Friday's lineup of programs includes Archives in Cyberspace: Researching Historical Documents and U.S. Supreme Court Decisions Before

1990; Teaching Online for \$40 a Day: A Look at Affordable Tools for Delivering Instruction; Researching Legislative History in Virginia: Gleaning the Intent Behind the Action; and Library Records and the Law: How the USAP-ATRIOT Act and Other Laws Affect Us.

There are a host of other presentations over the two days of the conference and you'll wish you could be in more than one place at a time. Other topics include library illumination systems, the pros and cons of the licensing process, equitable access to limited computing resources in libraries, the characteristics of a great library leader, preadoption evaluation of chat reference by a university library, accessing and using the invisible Web, building a digital library, and market research just to name a few.

And if the programming is not enough, just imagine yourself enjoying some of the most beautiful fall scenery Virginia has to offer and special friends both old and new with whom to enjoy every moment of this conference.

Information about the conference including programs, registration and housing will be available at www.vla.org. Please join us at The Homestead! ■

VLA AND VALL TO HOLD JOINT CONFERENCE

Jill Burr

*Wahab Public Law Library
Virginia Beach, VA*

OFFICE MOVERS AD



FDA 101: INTRODUCTION TO RESEARCH RELATING TO THE FOOD AND DRUG ADMINISTRATION

Jennifer Korpacz
Covington & Burling

THE FOOD AND DRUG ADMINISTRATION (FDA) REGULATES \$1 TRILLION DOLLARS WORTH OF PRODUCTS A YEAR. It is responsible for the safety of prescription and over-the-counter (OTC) drugs, medical devices, all food (except meat, poultry products, and some egg products), cosmetics, biologics (including blood and vaccines), and veterinary drugs and feed.¹ This article will provide a brief overview of the agency, a guide to general resources including enforcement resources, and instructions on how to obtain documents from the FDA Dockets Management Branch and FOIA office.

FDA BRIEF OVERVIEW STRUCTURE

FDA's earliest roots date back to the Division of Chemistry in the Department of Agriculture and a single chemist in 1862. The Division became the Bureau of Chemistry after 1901. When the Food and Drugs Act of 1906 was passed by Congress, "enforcement of the law was entrusted to the Department of Agriculture's Bureau of Chemistry."² In 1927 the Bureau of Chemistry was renamed the Food, Drug, and Insecticide Administration "when all non-regulatory research functions of the bureau were transferred elsewhere."³ The name was changed again to the Food and Drug Administration in 1930. The FDA was transferred to the Federal Security Administration in 1940, and later moved again to the Department of Health, Education, and Welfare in 1953.⁴ Finally, when the Department of Health, Education, and Welfare was restructured in 1980, FDA became part of the Department of Health and Human Services where it resides today.

FDA is currently organized into six centers and has a nationwide field force which carries out the mission of the agency.⁵ The six centers include: the Center for Biologics Evaluation and Research (CBER) which regulates biological and related products including blood, vaccines, and human tissue; Center for Devices and Radiological Health (CDRH) which regulates medical devices and radiation-emitting electronic products; Center for Drug Evaluation and Research (CDER) which regulates prescription and over-the-counter (OTC) drugs; Center for Food Safety and Nutrition (CFSAN) which regulates food (except meat and poultry products), food additives, dietary supplements, and cosmetics; Center for Veterinary Medicine (CVM) which regulates food additives and drugs that will be given to animals; and the National Center for Toxicological Research (NCTR) which conducts peer-

reviewed scientific research "specifically designed to define biological mechanisms of action underlying the toxicity of products regulated by the FDA."⁶

There are two additional offices worth noting, the Office of the Commissioner (OC) and the Office of Regulatory Affairs (ORA). The current commissioner of food and drugs is Mark B. McClellan, M.D., Ph.D., and he is the top official at the FDA.⁷ The ORA is the lead office for field activities of the FDA, and "consists of about one-third of the agency's personnel...and is stationed in more than 150 offices, resident posts and laboratories from coast to coast and in Puerto Rico."⁸

GUIDE TO GENERAL RESOURCES

There are a large amount of resources used in research specific to a type of product or center, but the breath of material is too large for this article. As a result, the following is a guide to resources for general research relating to the FDA, and is divided into broad categories. These categories include: the FDA Web site, related laws and regulations, guidance and manuals, enforcement materials, and specialty trade press.

FDA WEB SITE

The FDA Web site (<http://www.fda.gov/>) is extremely useful, constantly improving, and in many instances the place to begin research. In addition to the homepage, which contains useful links to the centers, latest releases, etc., FDA offers various portals depending on the audience including one for "industry." This is the most useful one for law librarians who are most likely doing research for a client fitting that description. The industry portal is located at: <http://www.fda.gov/oc/industry/default.htm>. From the homepage and/or the industry portal, a number of "most requested" items are a few clicks away including FDA guidance documents, warning letters, FDA *Federal Register* documents, and compliance references.

FDA employs the Google search engine <http://www.fda.gov/search.html>, but also includes an advanced search capability which allows users to search only a portion of the Web site, e.g., a specific center such as CDER. It also provides the ability to limit the search to results without certain words and where in the document the keywords must occur. The advanced search feature is located at: <http://www.fda.gov/advsearch.html>.

The FDA Web site is also a prime example of the invisible web. There are numerous

"THE FDA WEB SITE
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databases that are a big part of the FDA Web site that are available on specific center Web pages that cannot be reached using the Google search engine. For example, medical device pre-market notifications (510(k)) are available with documentation in a database from the CDRH Web page. If a user isn't sure where to look for the database and/or can't find evidence of one from a search of the Web Site, FDA has posted a list of databases on the site at: <http://www.fda.gov/search/databases.html>.

LAWS AND REGULATIONS RELATING TO FDA

1. COMPILATIONS OF LAWS. FDA provides a list of "Laws FDA Enforces and Related Statutes" at: <http://www.fda.gov/opacom/laws/>. The House Energy and Commerce Committee also publishes a compilation of food and drug laws at: <http://energycommerce.house.gov/108/publications.htm>. In addition, the Food and Drug Law Institute (FDLI) publishes the *Compilation of Food & Drug Laws*. The last version was published in 2000.⁹ The advantage of the FDLI version is that it provides citations to both the Food, Drug, and Cosmetic Act and corresponding U.S.C. citations.

2. UNITED STATES CODE (U.S.C.). Below are references to related U.S.C. Titles and/or sections:

- Title 7 - Agriculture. Includes Perishable Agricultural Commodities (Chapter 20A) and Transportation, Sale and Handling of Certain Animals (Chapter 54)
- Title 15 - Commerce & Trade. Includes Federal Trade Commission (Chapter 2), Cigarette Labeling & Advertising (Chapter 36), Fair Packaging & Labeling (Chapter 39), Consumer Product Safety (Chapter 47), and Toxic Substances Control (Chapter 53).
- Title 21 - Food and Drugs
- Title 42 - The Public Health and Welfare.

3. CODE OF FEDERAL REGULATIONS (C.F.R.).

In addition to GPO Access, FDA provides an interface for two kinds of searches within Title 21 – Food and Drugs at: <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm> Users can search by CFR part and section number or CFR part and full-text search. Below are references to related CFR titles and/or parts:

- Title 7 - Agriculture
- Title 9 - Animals and Animal Products
- Title 16 Parts 0 - 999 - Federal Trade Commission

- Title 16 Parts 1000-End - Consumer Product Safety Commission
- Title 21 - Food and Drugs
- Title 40 - Protection of Environment
- Title 42 - Public Health including Part 493 - Laboratories

4. FEDERAL REGISTER. FDA posts prepublication copies of FDA *Federal Register* documents which are on display in the Office of Federal Register at: <http://www.accessdata.fda.gov/scripts/oc/ohrms/advsdisplay.cfm>. This site saves a trip to the Office of Federal Register, and generally includes links to guidance documents that are the subject of a notice of availability. The FDA *Federal Register* homepage, located at: <http://www.accessdata.fda.gov/scripts/oc/ohrms/index.cfm>, contains FDA notices and proposed and/or final regulations from 1998 to present.

Users can browse by month, browse by center, or search by FDA Docket number. FDA assigns a docket number to many *Federal Register* documents and this provides an excellent search strategy for certain questions. For example, since FDA assigns a docket number to proposed rules, guidance documents, etc. a researcher can search the *Federal Register* on a particular FDA docket number assigned to a proposed rule or guidance to check whether a final rule or guidance has been issued because the same docket number will appear on the proposed and final rule or guidance. For pre-1998 searches of the *Federal Register*, researchers should use the segment for docket number when searching the *Federal Register* on Lexis or Westlaw.

In addition to the basic search option, an advanced search form is provided which allows searches by volume/page number, action, or within a date range.

FDA GUIDANCE AND MANUALS

FDA issues draft and final guidance on certain topics relating to any combination of products or regulatory issues. These guidance documents are not binding on the agency, but are a good resource for finding the agency's current thinking on a particular topic. Likewise, the ORA provides compliance references and manuals that are also useful.

1. FDA GUIDANCE DOCUMENTS. A "Notice of Availability" of a guidance document is published in the *Federal Register*. The notice will include the FDA Docket number attached to the guidance and frequently include the text of the guidance. As a result, the guidance will be

"FDA POSTS PREPUBLICATION COPIES OF FDA FEDERAL REGISTER DOCUMENTS WHICH ARE ON DISPLAY IN THE OFFICE OF FEDERAL REGISTER..."

“...[FDA] GUIDANCE DOCUMENTS ARE NOT BINDING ON THE AGENCY, BUT ARE A GOOD RESOURCE FOR FINDING THE AGENCY’S CURRENT THINKING ON A PARTICULAR TOPIC.”

posted on the FDA *Federal Register* Web page. In addition, each center posts its related guidance or places them in a database. For guidance documents see:

- Comprehensive List of Guidance Documents (includes links to OC guidance) - <http://www.fda.gov/opacom/morechoices/industry/guidedc.htm>
- CBER (Biologics) - <http://www.fda.gov/cber/guidelines.htm>
- CDER (Drugs) - <http://www.fda.gov/cder/guidance/index.htm>
- CDRH (Devices) - <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfggp/search.cfm>
- CFSAN (Foods & Cosmetics) - <http://www.cfsan.fda.gov/~dms/guidance.html>
- CVM (Animal Feeds & Drugs) - <http://www.fda.gov/cvm/guidance/published.htm>

2. ORA COMPLIANCE REFERENCES AND MANUALS. ([HTTP://WWW.FDA.GOV/ORA/](http://www.fda.gov/ora/))

- Compliance Policy Guides - FDA compliance policy and regulatory action guidance for FDA staff. http://www.fda.gov/ora/compliance_ref/cpg/default.htm
- Compliance Program Guidance - Compliance programs and program circulars (program plans and instructions) directed to field personnel for project implementation. <http://www.fda.gov/ora/cpgm/default.htm>
- *Regulatory Procedures Manual* - FDA regulatory procedures for use by FDA personnel including enforcement procedures, practices and policy guidance. http://www.fda.gov/ora/compliance_ref/rpm/default.htm
- *Investigations Operations Manual* - Primary source of guidance regarding FDA policy and procedures for field investigators and inspectors. http://www.fda.gov/ora/inspect_ref/iom/default.htm

FDA ENFORCEMENT MATERIALS

Requests for FDA enforcement materials can come up for a multitude of reasons. From due diligence research where a client is considering the purchase of a drug company or wants to put something specific on a label, finding out whether there has been FDA enforcement activity can be crucial. Resources relating to FDA enforcement include:

1. FDA ENFORCEMENT PORTAL. The FDA Web site includes a portal to enforcement activities with links to recalls, warning letters, the debarment list, and disqualified clinical investigators. See: <http://www.fda.gov/oc/enforcement.html>.

2. FDA PUBLICATIONS REPORTING ON ENFORCEMENT.

- *FDA Consumer*. Published bi-monthly, FDA reports on selected enforcement activities including seizures and injunctions/consent decrees. There is usually a time lag in the decree or other enforcement activity being reported. The FDA Consumer is available back to 1989 at: <http://www.fda.gov/fdac/default.htm>.
- *FDA Enforcement Report*. This is published weekly and contains information on actions taken in connection with agency regulatory activities. It is available on the FDA web site back to February 1990 at: <http://www.fda.gov/opacom/enforce.html>. In addition, recalls and safety alerts issued in the last 60 days are posted at: <http://www.fda.gov/opacom/7alerts.html>.
- *FDA Enforcement Story*. This title is published annually and summarizes select, but not all, enforcement activities by the agency in a fiscal year. The most current issue is available at: http://www.fda.gov/ora/about/enf_story/default.htm. Print copies of prior years are available via a FOIA request.
- *FDA Quarterly Activities Report*. This title was published from 1970-1995 and included enforcement highlights.

3. WARNING LETTERS/NOTICE OF VIOLATION LETTERS.

- *FDA Warning Letters from District Offices*. FDA posts numerous District Office warning letters, but not all, for problems including violations of good manufacturing practices (GMP) and misbranding of products. The FDA Web site has letters back to November 1996 located at: <http://www.fda.gov/foi/warning.htm>. Resources to find evidence of older warning letters include the *Index of FDA Warning Letters* published by FOI Services, Inc. (<http://www.foiservices.com/>) and the *Warning Letter Bulletin* published by Washington Information Source Co. (<http://www.fdainfo.com/warningletter/>).
- *Center Warning Letters & Cyber Letters*. CDER’s Headquarters and Division of Drug Marketing, Advertising, and Communications (DDMAC) posts warning letters and notice of violation letters back to 1997 at: <http://www.fda.gov/cder/warn/index.htm>. CDER also posts “cyber” letters which are sent to Web sites whose online sales of prescription drugs may be illegal at: <http://www.fda.gov/oc/buyonline/enforce.html>. In addition, CBER posts warning letters at:



<http://www.fda.gov/cber/efoi/warning.htm>, and CVM posts them at: <http://www.fda.gov/cvm/index/regulatory/promtab.htm>

- **Consent Decrees.** In selected cases, the text of a consent decree will be posted on the FDA web site, which could save a trip to the court, by staff or document delivery service. In general, FDA releases a Talk Paper for significant consent decrees. FDA News & Talk Papers can be browsed at: <http://www.fda.gov/opacom/hpwhats.html>.

SPECIALTY TRADE PRESS

There are numerous specialty trade press titles covering FDA regulatory news. The advantage to using these for food and drug-related research is that these publications are frequently the only sources for more detailed regulatory news such as the latest decision on a citizen petition or coverage of an FDA advisory committee meeting. Below are some of the most useful resources, but are not intended to be an exhaustive list. All of the listed titles are published in print, and online availability is noted.

1. F-D-C REPORTS. (Available through Lexis, Dialog, and web subscriptions) Provide regulatory, legislative, and business coverage. Most commonly used reports include: *The Pink Sheet - Prescription Pharmaceuticals and Biotechnology*, *The Gray Sheet- Medical Devices, Diagnostics & Instrumentation*, *The Tan Sheet - Nonprescription Pharmaceuticals & Nutritionals* (OTC & dietary supplements), *The Rose Sheet - Toiletries, Fragrances & Skin Care* (Cosmetics), and *The Gold Sheet - Pharmaceuticals and Biotechnology Quality Control* (useful but no longer carried on Lexis). See: <http://www.fdcreports.com/> for web product.

2. INSIDE WASHINGTON'S FDA WEEK. (Available via web subscription). Reports on regulatory and legislative news relating to policymaking that affects entities regulated by the FDA. See: <http://www.insidehealthpolicy.com> for the web product or <http://www.iwpnews.com/> for print information.

3. WASHINGTON BUSINESS INFORMATION NEWSLETTERS. (Available via Lexis, Dialog and Web site access for subscriptions and the purchase of single articles for \$8.00 each) Reports on regulatory, legislative, and business developments, but coverage varies by title. Useful titles include *Devices & Diagnostics Letter*, *Drug GMP Letter*, *Food & Drug Letter*, *Generic Line*, and *Washington Drug Letter*. See:

HEIN ONLINE AD



<http://www.fdanews.com/>

4. SCRIP WORLD PHARMACEUTICAL NEWS (SCRIP). (Available via Dialog & Web subscription) Provides global coverage of pharmaceutical regulatory and business news. It is a good source for European/international pharmaceutical news. See: <http://www.pjbpubs.com/cms.asp>

5. FOOD CHEMICAL NEWS. (Available via Web subscription, Westlaw, and selected full-text on Lexis) Covers news relating to U.S. food regulation, global developments in food regulation, genetically modified foods (biotech foods), Hazard Analysis and Critical Control Point food safety program (HACCP), and dietary supplements. See: <http://www.foodchemicalnews.com/home.asp>

DOCKETS MANAGEMENT BRANCH AND FOIA REQUESTS

FDA maintains two public reading rooms, the Dockets Management Branch (Dockets) and the Freedom of Information (FOIA) Office located in Rockville, Maryland. FDA Dockets allows a requestor to obtain many documents using a FOIA request on the same day versus the sometimes lengthy wait through FOIA.

1. DOCKETS. The Dockets Web site (<http://www.fda.gov/ohrms/dockets/default.htm>) is very useful and includes links to FDA *Federal Register* documents (as discussed above), docket filings, advisory committee transcripts, and other materials.

Dockets makes available documents and comments submitted relating to proposed regulations, guidance, citizen petitions, FDA advisory committee meetings, and public workshops. FDA regulations permit any person to submit a citizen petition to issue, amend, or revoke a regulation or take or refrain from taking any other form of administrative action.¹⁰ Every proposed and final regulation, proposed and final guidance document, and citizen petition is assigned an FDA docket number. All correspondence — comments from industry and FDA responses — or references to a particular regulation will be filed into the assigned docket file(s) maintained at Dockets. Since early 1999, Dockets has posted the daily docket list of docket filings and in many instances provides links to the filings in PDF format. Note, there is a lag time from when a document is received by Dockets to when and if it is made available on the Dockets website.

In order to obtain docket filings that predate Web site availability, a trip to Dockets is

needed. Visitors to the Dockets office sign the visitor's log and pick up two forms, a "Files You Need" form and a FOIA form. If the visitor already knows the docket and volume number (from a daily docket entry), the visitor can fill out the "Files You Need" form and give it to an FDA Dockets staff member who will have the files pulled. If not, the docket sheets are kept in binders on the left wall looking at the room from the door. The binders are compiled by year in docket number order. There is generally a 50-page limit to copies for same-day service.

When filling out the FOIA form, the visitor should remember that it is a FOIA request and will be listed on the FDA FOIA Public Information Log. In the event a firm or individual doesn't want the name to appear on the Public Log, consider contacting a vendor who specializes in placing FOIA requests such as FOI Services, Inc. who will make the request for a fee and blind the actual requestor. Furthermore, when using the Dockets office, requests must be hand-delivered. Any FOIA request form that is faxed or mailed to Dockets will be forwarded to the FOIA office. Hence, to take advantage of same-day turn around on numerous FOIA requests available through Dockets, it must be done in person.

2. FOIA PUBLIC READING ROOM & FOIA WEB PAGES.

The FOIA Public Reading Room is also located in Rockville, one building away from Dockets. Documents that can be picked up at the FDA FOIA Public Reading Room include the FDA Public FOIA log and/or documents that have been certified (red ribbon) documents, which are sometimes used in litigation. All of the centers maintain FOIA Web sites. See:

- FOIA (outside of Dockets) - <http://www.fda.gov/foi/foia2.htm>
- CBER - <http://www.fda.gov/cber/reading.htm>
- CDER - <http://www.fda.gov/cder/foi/index.htm>
- CDRH - <http://www.fda.gov/cdrh/foicdrh.html>
- CFSAN - <http://vm.cfsan.fda.gov/%7Edms/foia.html>
- CVM - <http://www.fda.gov/cvm/efoi/efoi.html>
- ORA - Frequently requested docs - <http://www.fda.gov/ora/frequent/default.htm>

CONCLUSION

From the cereal we eat to the over-the-counter (OTC) or prescription drugs we take for a headache, FDA regulates many of the products we consume and/or use everyday. The above general resources are a good place to start when researching a topic related to the FDA.

"EVERY PROPOSED AND FINAL REGULATION, PROPOSED AND FINAL GUIDANCE DOCUMENT, AND CITIZEN PETITION IS ASSIGNED AN FDA DOCKET NUMBER."



COMMONLY USED FDA ACRONYMS

- 510(k) Medical Device Premarket Notification
- ANDA Abbreviated New Drug Application
- DESI Drug Efficacy Study Implementation
- GLP Good Laboratory Practice
- GMP Good Manufacturing Practice
- GRAS Generally Recognized as Safe (food ingredients)
- HACCP Hazard Analysis Critical Control Point (inspection technique)
- IDE Investigational Device Exemption
- IND Investigational New Drug (application)
- IRB Institutional Review Board
- MOU Memorandum of Understanding
- NDA New Drug Application
- OTC Over-the-Counter (drugs)
- PLA Product License Application (for biologics)
- PMA Pre-Market Approval (application) (for medical devices)
- SBA Summary Basis of Approval

Excerpted from: <http://www.fda.gov/opacom/morechoices/acronyms.html>
 See also: <http://www.fda.gov/cvm/index/other/>

acronym.htm
<http://www.fda.gov/cder/handbook/acronym.htm>

ENDNOTES

- 1 <http://www.fda.gov/opacom/factsheets/justthefacts/1fda.html>.
- 2 <http://www.fda.gov/oc/history/historyoffda/default.htm>.
- 3 Ibid.
- 4 Ibid. For additional resources for researching the history of the FDA, see *A Guide to Resources on the History of the Food and Drug Administration* at: <http://www.fda.gov/oc/history/resourceguide/default.htm>.
- 5 See the following Web sites for additional information regarding each center:
 CBER at: <http://www.fda.gov/cber/index.html>;
 CDRH at: <http://www.fda.gov/cdrh/index.html>;
 CDER at: <http://www.fda.gov/cder/>;
 CFSAN at: <http://www.cfsan.fda.gov/list.html>;
 CVM at: <http://www.fda.gov/cvm/default.html>;
 NCTR at: <http://www.fda.gov/nctr/index.html>.
- 6 <http://www.fda.gov/nctr/overview/mission.htm>.
- 7 See: <http://www.fda.gov/oc/mcclellan/> for information relating to Commissioner McClellan. See generally: <http://www.fda.gov/oc/default.htm> for the Office of the Commissioner.
- 8 <http://www.fda.gov/opacom/factsheets/justthefacts/7ora.html>. See also: (http://www.fda.gov/ora/hier/ora_overview.html)
- 9 See: <http://www.fda.gov/oc/pubs/Comp/compilation.html> for more information.
- 10 21 C.F.R. 10.30

IN MEMORIAM: NANCY CROSSED, 1959-2003

Mike Petit

American University Washington College of Law Library

It is with great sadness that we announce the untimely passing of Nancy Crossed, the Cataloging/Reference Librarian at the American University Washington College of Law Library. Nancy has been a colleague and friend for the past seven years, having started work at WCL in 1996. In addition to her invaluable contributions to the library, she served the University as a whole as a member of the student hearing panel of the Faculty Senate.

Nancy graduated from the University of Maryland with a B.S. in Paralegal Studies. She received her Masters in Library Science from Catholic University. She will be greatly missed not only by the American University community, but by the Law Librarians' Society of Washington, D.C., as well. Nancy was very active in the organization, having served as Corresponding Secretary from 1999-2001, and as the President of the Academic SIS in 2001-2002.

Nancy is survived by four children. She loved gardening, caving, blues music, and especially her boat. Those of you who met her knew what a warm person she was.

THE PROPOSAL FOR A COMMUNITY PATENT SYSTEM IN THE EUROPEAN UNION

Sarah E. Jones
University of Maryland
College of Information
Studies Student

IN AUGUST OF 2000, the European Commission of the European Union submitted a proposal to implement a Community Patent system in Europe. To understand the need for and process involved in adopting a Community Patent in Europe, I will briefly discuss the main legislative bodies of the European Union.

The evolution of a series of predecessor bodies devoted to European security and free trade led to the formation of the present European Union, which was created by the signing of the Maastricht Treaty¹ on February 7, 1992. The treaty decreed the European Union responsible for creating a common foreign and security policy. In 1997 the Amsterdam Treaty was signed by the member states of the European Union. This treaty revised the Maastricht Treaty by expanding the social and judicial policy of the European Union. On February 26, 2001 the Member States signed the Treaty of Nice. The treaty is intended to change the structure of the governing bodies of the EU and is expected to take force in 2005.

The EU is run by five institutions, the European Parliament, the Council of the Union, the European Commission, the Court of Justice, and the Court of Auditors.

The European Parliament is elected every five years by the people of the member states and has three functions:

- To share legislative power with the Council and to adopt legislation,
- To share budgetary authority with the Council and to adopt the budget in its entirety, and
- To exercise democratic supervision over the Commission.

The Council of the Union is the decision-making body of the EU and has six functions:

- To be the legislative body, a function it shares with the Parliament,
- To coordinate broad economic policies of the member states,
- To conduct inter-nation agreements on behalf of the EU,
- To share budgetary authority with the Parliament,
- To make decisions on common foreign and security policy, and
- To adopt measures regarding police and judicial cooperation in criminal matters.

The European Commission upholds the general interest of the Union. The President and Members are appointed by the member states and approved by the Parliament. The Commis-

sion has four functions:

- To initiate draft legislation and to present legislation proposals to the Council and Parliament,
- To implement legislation, the budget, and Union programs,
- To enforce treaties in tandem with the Court of Justice and ensure community law is followed, and
- To represent the EU on the international stage and negotiate agreements, mainly in trade and cooperation.

The Court of Justice is the court that is responsible for ensuring member states comply with EU laws. The Court of Auditors is responsible for ensuring that the budget of the EU is managed in a lawful manner.

With an understanding of the structure of the EU and its legislative process, we can now examine the issue of the Community patent. A function of the EU is to create a common market and foster the flow of goods and information among the member states. One area in which the EU feels it is behind is in the field of research and development. Europe is rich in scientists, but is producing relatively few marketable inventions. The EU has identified one reason for this as the current European patent system. With the proposal of a Community patent, they hope to foster an environment in Europe that will lead to greater development of innovations.

The current patent protection in Europe is a combination of two systems, the National patent system and the European patent system. Neither of these two systems is based on a Community legal instrument.² The European patent system was established by the Convention on the Grant of European Patents (known as the Munich Convention of 1973). The Munich Convention created a single procedure for granting European patents by creating the European Patent Organization and the European Patent Office. The European Patent Office grants patents for the member states of the European Patent Organization. After the patent has been granted, it is administered by the National patent system of the designated country and subject to that country's laws.

In 1975 the European Economic Community (an EU predecessor body) member states discussed the creation of a Community patent with the signing of the Luxembourg Convention.

On December 15, 1989 the Luxembourg Convention was amended by an Agreement on the Community patent. If the agreement were to



be ratified it would mean that a patent granted under its terms would be good throughout the European Union member states; therefore national patents would no longer be necessary. At the present only seven³ of the member states have signed the agreement and it has yet to be ratified. One of the main reasons quoted for the failure of the convention was the cost of translation. The Convention stipulated that each patent be translated into every language of the Community members. Another factor was the judicial system the Convention proposed. Under the convention national judges could declare Community patents invalid for the whole Community. This fostered distrust among member states and was considered a legal uncertainty.

The Agreement to the Luxembourg Convention of 1989 concerns only the Community of Twelve,⁴ and therefore leaves out the enlargement of the Community in 1995.⁵ In order for the three new states to be bound by the agreement, a special agreement would have to be negotiated, signed and ratified by all signatories of the 1989 agreement. This is seen as too cumbersome and poses problems for future members who wish to join the European Union.

With the problems encountered with the Luxembourg Convention, the European Commission published the *Green Paper on the Community patent and the patent system in Europe*. A Green paper is a communication the European Commission publishes on a specific policy issue. The *Green Paper on the Community patent and the patent system in Europe* has three main objectives:

- To gain as full a picture as possible of the situation in regard to the protection of innovation by the patent system in the European Community,
- To examine whether new Community measures are necessary and/or whether existing arrangements need to be adjusted, and
- To consider what new measures could involve and what form they could take.

In the Green paper the Commission raises the issue of innovation in Europe. They state that Europe has an excellent scientific base, but it is less successful than its main competitors, the United States and Japan, at converting its innovations into products and market share. They note this is especially evident in high-technology sectors. The commission states that improving the patent system will not reverse this trend, but that the patent system cannot act as a further brake on the competitiveness of European companies. The Green paper identi-

fies the problems with the current European patent system as the cost of translation for each country the patent is filed in and for renewal fees in each of those countries; the complications in the prosecution of infringement or revocation because the case must be brought in front of the national court of each country the patent is granted in; the difference of interpretation by various national courts undermining the value of European patents; and the costs of filing and protection, causing businesses to be selective in their choice of countries which runs counter to the aim of a single market. Given the problems with the current patent system, the Green paper asks the members of the European Union to consider what patent system would best serve the needs of Europe: the patent system devised under the Luxembourg Convention, the current patent system, or a new patent system established by a Regulation under article 308 of the Amsterdam Treaty.⁶

In 1999 the Commission published *Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee: Promoting innovation through patents: The follow-up to the Green Paper on the Community Patent and the Patent System in Europe*. This paper reported the response to the Green Paper on the Community Patent and outlined the nature of the Community Patent. The number of opinions sent to the Commission on the Green paper was very high, 150 opinions totaling more than 1,200 pages. Then the Commission and the Luxembourg Presidency of the Council jointly organized a hearing open to any party the new patent system would affect. The hearing was held on November 25-26, 1997. On February 25, 1998, the Economic and Social committee submitted its opinion on the Green paper. The Committee agreed with the opinion stated in the Green paper and invited the Commission to submit a draft of a Regulation on the Community patent. In January of 1998, the Commission held a meeting with experts from the member states. The member states agreed with most of the opinions put forward in the Green paper and urged the commission to proceed. Finally, on November 19, 1998 the European Parliament adopted its opinion. The Parliament determined that a change in the patent system was necessary to promote "competitiveness of enterprise" and that it was not beneficial to harmonize current national patent legislation, but to draw up a Community Regulation with its legal basis in Article 235⁷ of The Treaty Establishing the European Community.

On August 1, 2000, the Commission of the European Union presented a proposal to unify the patent system in Europe. The *Proposal for a Council Regulation on the Community Patent* is a regulation that proposes a community patent system for the European Union. The main features of the Community patent system are that it must be unitary and autonomous, it must stem from a body of Community patent law, it must be affordable and have appropriate language arrangements, and it must meet information requirements, guarantee legal certainty and coexist with the existing patent system.

In regard to the unitary and autonomous nature of the Community patent, the Community patent must have the same force in every member state of the community. It must also be granted, transferred, and declared invalid or allowed to lapse in respect to the whole Community. The Community patent must also be autonomous. It is subject to the provisions of the proposed Regulation and to the general rules of Community law.

The proposal addresses the specific provisions applicable to the Community patent. The Regulation introduces certain provisions applicable to Community patents once they have been granted. Certain provisions from the Munich Convention will stand such as conditions of patentability and exceptions to patentability.

The cost of the Community patent is also addressed. The proposal's goal is to make Community patents more affordable by dealing with the issues of translation cost, procedural costs, and litigation costs. To deal with translation cost, the proposal says that to be granted, the patent documents must be translated into one of the three official languages⁸ of the European Patent Office. The patent will then be published in that language and a translation of the claims should be published into the two other official languages, thereby reducing translation fees. The proposal also states that this system is appropriate because the primary language of patents is English. Therefore, translations are rarely consulted. Also addressed in the proposal are fees and other procedural costs. A European patent is three to five times more expensive than a patent in the U.S. or Japan. The EU wants to change that so that inventors have greater incentive to apply for patents in Europe. The proposed Regulation states that the European Patent Office will examine and grant patents and determine the fees specified in the Munich Convention.

A Commission Regulation on fees adopted according to comitology procedure will determine the annual renewal fees.

Legal certainty and a reduction in litigation fees are also covered by the Regulation. The Regulation proposes a centralized Community court that can guarantee unity of law and case law. It is defined as a "Community Intellectual Property Court." A centralized court having jurisdiction would solve the current problem of varying decisions made in different countries, as well as reducing expense. The current system allows litigation to be tried in all of the national courts in which the patent is granted. The Regulation would give the European patent more legal certainty by providing consistent case law and would save on litigation fees because the patent holder only has to file suit in one court rather than many.

Finally, the Community patent will coexist with the current patent system in Europe. The Community patent is meant to be another option not a replacement to the current system. The person who files the patent will have the choice of using the Community patent or the current European patent system. The patent filer will be free to choose the system they believe best suits their needs.

The proposal was put forth in August 2000. Since then the proposal has been debated by the Council of the European Union. On April 10, 2002, the European Parliament voted in favor of the Commission's proposal on a Regulation for a Community patent. On March 3, 2003, at the Council meeting in Brussels, the Council discussed and agreed on the juridical system of the Community patent and the language/translation costs. The Council decided that the centralized court should be in session by 2010. At the most recent meeting of the Council of the European Union on March 22-23, 2003, in Brussels, the Council stated that it is pleased with the progress made on the draft of the Community patent regulation so far and calls on the Council to finalize the regulation as soon as possible.

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ENDNOTES

- ¹ The Maastricht Treaty was formerly known as the Treaty on European Union
- ² Community Legal Instrument is defined as an instrument available to the community institutions to carry out their tasks under the Treaty that established the European Community.. These may be regulations, directives, decisions, recommendations, or opinions.
- ³ France, Germany, Greece, Denmark, Luxembourg, the United Kingdom and the Netherlands.
- ⁴ Belgium, Denmark, France, Germany, Greece, Italy, Ireland, Luxembourg, The Netherlands, Portugal, Spain, and the United Kingdom
- ⁵ Austria, Finland, and Sweden.
- ⁶ Article 308 reads, If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament take the appropriate measures.
- ⁷ Article 235 reads, The Court of Justice shall have jurisdiction in disputes relating to compensation for damage provided for in the second paragraph of Article 288.
- ⁸ French, German, and English ■

WASHINGTON
EXPRESS AD



THE PRO BONO LIBRARIAN WALKING OUT OF A CAVE WITH ARMFULS OF BOOKS: PRO- BONO WORK, LIBRARY STYLE

*Dr. James H. Walther
Formerly of Bryan Cave, LLP*

*Sarah Nagel
Bryan Cave, LLP*

This article is the first in a series on the public service activities with which our members are involved. Please contact Scott Larson if you have an activity you would like to see featured in Lights.

THE BASICS OF LIBRARY PRO-BONO WORK

First, think books! Think literacy, think library users, think knowledge. Think whatever you can to draw library users and knowledge together. When one thinks of pro-bono activities, we often think of a billable attorney working on a taxation issue, but for several years, librarians at Bryan Cave LLP have spearheaded pro-bono activities in conjunction with National Library Week and gained national participation throughout the firm.

With an organization called First Book, the leading children's literacy organization, Bryan Cave LLP collects money to provide low-income children with new books of their own. School psychologists and those involved with early childhood development often cite that children must be routinely exposed to the same reading materials. Ownership *buys* into that theory.

BUYING INTO SUCCESS

The basics of the program can be found at www.firstbook.org. Essentially, this program supports children that others are not. By supporting those that live below the nation's poverty line, readers are found through First Book programs based in libraries, homeless shelters, housing projects, clinics, day care programs, Head Start centers, after school initiatives, and other community-based programs. In 1999, First Book distributed more than three million books to children in more than 250 communities nationwide.

Due to the deep discounts First Book has negotiated at the national level, the books distributed by First Book cost less than \$3.00 each. So, we try to encourage firm members to think of what donations really accomplish in terms of real dollars.

For example, a donation of just \$3 buys a book, but \$15 will help First Book provide five books to low-income children. In e-mails to members of the firm during National Library Week, we point out that giving up a week of Starbucks lattes or bringing your lunch to work could give you the mad money to donate more to these needy new readers.

OUR NATIONAL LIBRARY WEEK INITIATIVES

Initially developed in Bryan Cave Santa Monica, we now have activities happening in Arizona, California, New York, Washington and our headquarters office of St. Louis. For each \$3.00 firm members donate, they are given a bookplate on which they can write their own name or donate the book in honor of someone. We have had great success with people donating books in honor of the library staff, a new baby or the first year or summer associates. Each bookplate is then placed by First Book into a purchased book for a child to know who cared enough about them to donate this new book for their own. Since First Book is a 501(c)(3) organization, the contributions are tax deductible.

OUR NATIONAL SUCCESS

We have been overwhelmed each year by the support from attorneys and support staff for the cause of First Book during National Library Week. In 2002, First Book was able to take our \$1,000+ donation and receive a matching gift from another national organization. It is initiatives such as these that need exposure and the opportunity to flourish in our libraries and hearts. Think about how you can get more involved today! Visit www.firstbook.org ■

ALERT PUBLICATIONS
AD

At the conclusion of the 2002-2003 Fiscal Year the Society's account balances were as follows on May 30th, 2003:

ACCOUNT	AMOUNT
First Union Checking Account	\$21,767.95
FBR Money Market Account	\$35,167.00
Vanguard Fixed Income Mutual Fund	\$22,369.79
Vanguard Index Trust 500 Mutual Fund	\$23,946.53
Vanguard Star Portfolio Mutual Fund	\$25,659.43
TOTAL BALANCE	\$128,910.70

COMMENTS: During the first half of the fiscal year revenues exceed expenditures so the Society's Total Balance rises. During the second half of the fiscal year the expenditures outstrip revenues, so the Society's Total Balance decreases and is usually at its lowest amount at the end of a fiscal year.

The First Union checking and FBR money market accounts are used to cover the Society's normal expenses, the Vanguard mutual funds are the Society's reserves. Money in the Vanguard Star Portfolio Mutual Fund has been designated by the Executive Board to fund Sandra Peterson Memorial Fund lectures and special events.

The Society's Total Revenues for the 2002-2003 balances were as follows on May 30th, 2003:

REVENUE FY 2002 - 2003	TOTALS
Regular Membership Dues	\$19,720.00
Associate Membership Dues	\$2,720.00
Institutional Membership Dues	\$6,280.00
Student Membership Dues	\$280.00
Sustaining Membership Dues	\$360.00
Academic SIS Dues	\$690.00
Federal SIS Dues	\$330.00
Foreign SIS Dues	\$280.00
ILL SIS Dues	\$525.00
Legislative SIS Dues	\$505.00
Private SIS Dues	\$3,070.00
Lights Advertising	\$5,950.00
Mailing Lists	\$150.00
Directory Advertising	\$800.00

General Meeting Registration	\$3,568.00
Academic SIS Meeting Regis.	\$1,170.00
Federal SIS Meeting Regis.	\$0.00
Foreign SIS Meeting Regis.	\$0.00
ILL SIS Meeting Regis.	\$0.00
Legislative SIS Meeting Regis.	\$0.00
Private SIS Meeting Regis.	\$925.00
GLP Union List	\$27,165.20
Lights Subscription (Non-member)	\$3,325.00
Membership Directory	\$12.00
Union List of Legis Histories	\$1,739.32
Miscellaneous	\$3,390.00
Legal Research Institute	\$4,610.00
Vendor Donations	\$10,452.14
TOTAL	\$98,016.66

COMMENTS: All but \$110.00 of the revenues under the Miscellaneous category consists of a donation from the Law Library Congress that was intended for the 2001 Legal Research Institute but not received until the 2002-2003 fiscal year.

The Society's Total Expenditures for the 2002-2003 balances were as follows on May 30th, 2003:

EXPENSES FY 2002-2003	TOTALS
Accounting Services	\$6,270.00
Contributions & Gifts	\$2,852.53
Insurance	\$1,004.25
Legal Counsel Services	\$157.50
Mgmt Co. Fees	\$34,000.00
Meetings – General	\$12,870.20
Messenger	\$1,158.25
Miscellaneous - Refunds	\$75.00
Office Supplies	\$3,321.22
Postage	\$5,770.97
Printing	\$19,788.89
Publications	\$14,863.21
Public Relations	\$1,575.16
Taxes	\$1,517.68
Telephone	\$320.79
Scholarships & Grants	\$15,053.00
TOTAL	\$120,598.65

TREASURER'S REPORT FOR 2002- 2003 FISCAL YEAR

*Stephen Mellin
Jenner & Block
(LLSDC Treasurer
2002-2003)*

TECH TALK TECHNOLOGY BUNNY HOP: TWO BITS FORWARD AND ONE BYTE BACK

Roger V. Skalbeck
George Mason
School of Law

WHEN ANY NEW ELECTRONIC SERVICE, SOFTWARE OR GADGET COMES AROUND, my first impulse is to check to see what it has that did not exist before. I look to see what is new to KeyCite, CheckCite, Acrobat 6.0, Lexis.com, Microsoft Office 2003, Mozilla 1.5, West Integration Solutions, and on and on. With each new version, enhancement or product, I want to find the exciting features that will make my work more productive, streamline mundane procedures or give me tools that I couldn't use before. Of course, the problem is that I have to learn about these new tools, figure out how they will really improve my life and hope that they didn't displace something I had grown to love and rely on.

This is my first installment of "Tech Talk", and my theme is to take a broad view of some widely-used legal technologies to present evidence of steps forward and backward. As the title suggests, this technology bunny hop might not always seem like we are moving forward. Probably we are progressing, but sometimes it just does not seem like it.

- **Almost every imaginable service is available over the Internet through a standard web browser. Desktop software is mostly a thing of the past for accessing database content.**

Forward ► Gone are the days of having to install localized programs such as WestMate, Folio, SearchMaster, DialogLink and related database connectivity software. Now almost every service, even the decidedly unsexy PACER, can be accessed through an Internet browser, theoretically making access platform-independent and accessible anywhere you can get to the Internet.

Back ◀ To use enhanced navigational features of Lexis, you can only use Internet Explorer (IE). Many sites require IE, and features frequently depend on the version you're using, while providers often fail to produce content that works in "alternative" browsers like Netscape or Mozilla. Former database power users have long decried the disappearance (or at least obscuring) of dot commands, command stacking and innumerable efficiencies that disappeared when the software went away. In looking beyond the traditional database providers for Internet content, there is something of a "plugin application" can of worms, often requiring users to know about Flash, Shockwave, QuickTime, competing media players, and Acrobat just to be able to view content.

- **Judicial decisions are on the Inter-**

net for free from all manner of federal, state and local providers.

Forward ► The day that a Supreme Court decision is handed down, you can download it for free in a format that looks identical to the printed version published by the Court. All U.S. Circuit Courts of Appeal have long published their opinions on the Internet, and by using a site such as Cornell's Legal Information Institute, you can even search decisions from all Circuits spanning several years without being charged a nickel.

Back ◀ Supreme Court decisions are often issued as separate documents, requiring you to separately download and print the dissent, concurrence and so forth. Beyond this, the Supreme Court is probably the only U.S. court where you can find a case for free with an official citation. Even if you know that 101 F.3d 832 came out in the last two years, you're out of luck if you want to get this on the Internet for free. Moreover, if you have to bill for your time, it's really unlikely that much "free" content will be any cheaper for the client, even if issues of reporter citations, internal pagination and authenticity are ignored.

- **Lexis and Westlaw are extremely sophisticated services, providing an impressive array of searching, ranking and delivery options. Moreover, their content coverage is unparalleled in the legal industry.**

Forward ► Lexis and Westlaw consistently enhance their services to provide new ways to rank information and assess quality and currency. The Eclipse and Alert services allow you to track developments without having to re-run searches, and KeyCite and Shepard's help answer the critical question of "is it good law?" Flat-rate database options provide predictable monthly fees. Also, the Lexis "Focus" and Westlaw's "Locate" functions allow you to save money by refining searches without incurring additional charges. System enhancements like Search Advisor and KeySearch provide efficient and targeted search options for novice and expert users alike.

Back ◀ Every hyperlink in every document on Lexis or Westlaw could cost you money to click. Services like KeySearch, Search Advisor, "most cited cases," and headnote searching make questions of cost more opaque than ever. Also, passing through costs to clients under flat-rate billing can be an administrative nightmare. Moreover, expert searchers often wonder what exactly lies behind these pre-defined queries.



System enhancements, re-branding and redesign can cause the occasional user to lose track of where to find the simple tools, thus impeding productivity and efficiency.

- ***Email is a fast, reliable means of communication that allows you to contact and communicate with multiple people in an asynchronous manner.***

Forward ► You can send email messages immediately, and it is just as easy to reach one or a dozen recipients at the same time. You can send sophisticated messages with numerous attachments so that lawyers and researchers can get documents on the road and in all manner of remote locations. Email messages can be sent at any hour of the day, and recipients respond when they have the time, not when they happen to pick up the phone or read regular mail. Wireless devices like the Blackberry allow users to send and receive messages from almost anywhere.

Back ◀ Spam and viruses are almost always distributed faster than the email we want to receive. Listservs like Lawlib generate dozens and dozens of messages each day, and users who don't take advantage of email filtering can end up missing critical requests drowned out by even desirable messages. If you use a Blackberry for email, you can't read messages if you are sent a carbon copy (CC), and long messages and attachments are generally unviewable. Viruses and worms like kournikova, nimda, sobig, and msblast can cripple email systems, making it impossible to rely on this as a quick and stable communication method.

- ***Microsoft Word and WordPerfect allow you to produce web content without having to know a single HTML tag. Now everybody can publish content ready for the Internet without having to learn about new software.***

Forward ► In the early days of the Internet, it more or less took a computer programmer to be able to produce web content. If you missed one closing tag or typed one wrong character, your page could mysteriously break. Then the Office Suite products from Microsoft and Corel provided you with the capability of publishing content in HTML format directly from Word or WordPerfect. In the case of Word, you don't even have to know the letters H-T-M-L, as you simply save your file as a "web page". WordPerfect even provides popup balloons for footnotes, and both companies

allow you to save spreadsheets and database output in web-ready format.

Back ◀ Anybody who knows web content and looks at Microsoft's code can immediately see that there is a lot of proprietary and extra information included. And if you don't know HTML code, you might have no way of figuring out or correcting mysterious paragraph spacing or inconsistent on-screen formatting. In response to these problems, software like Macromedia Dreamweaver provides options to "Clean up Word HTML", and Office XP offers an export option for a "Web Page, filtered". With WordPerfect, a document with footnotes might work with wonderful onscreen references when your mouse hovered over a link, but it generally requires the IE browser, and you need to copy an image icon into an appropriate subdirectory.

In closing, my personal belief is that technology has us all dancing a constant bunny hop, and worse, the song keeps changing. In spite of this, it is still fun to work with technology in the legal environment, and there is no danger that our roles as librarians, searchers, teachers, and trainers will prevent us from being dance instructors and students for a long time to come. ■

CAL INFO AD



CAREER PATHS

An interview with Rachel Jones

This is the first in a series of interviews with law librarians whose careers have taken non-traditional turns. Rachel Jones is Manager of Professional Education and Training at Dickstein Shapiro Morin & Oshinsky.

Q. TELL US ABOUT YOUR EDUCATIONAL AND PROFESSIONAL BACKGROUND.

It's safe to say that I have done just about every law library job function in the last 22 years! I started working in law libraries in college as a loose leaf filer and messenger, and upon graduating from college, got my first full time job as a technical services assistant. That was in 1981, long before online catalogs and automated serials check-in! I went to library school part time and moved into reference services early on, knowing that I ultimately wanted to teach library patrons how to use library services and librarians to their advantage and their client's advantage. I spent almost two years in an academic law library setting where I learned how to teach Westlaw and Lexis, specialized research courses and ultimately searching the Internet. When I returned to law firm life, I began the process of certifying research instruction courses for mandatory continuing legal education credit, which was part of my role as an administrator for the firm's professional development programming for attorneys and staff. It is in this role that I have been serving my firm for the last seven years.

Q. WHAT ARE YOUR RESPONSIBILITIES AS MANAGER OF PROFESSIONAL EDUCATION AND TRAINING?

I am responsible for the administration of the firm's corporate university, Dickstein Shapiro University. The university offers professional and personal skills programs to attorneys and staff through traditional classroom training and various multimedia methods. In combination with our professional development program, I also assist attorneys with their mandatory continuing legal education responsibilities, including maintaining a tracking database.

Q. WHAT WERE YOU SEEKING IN YOUR CAREER PATH IN TAKING THIS POSITION?

I guess there was a part of me that wanted to be an educator and a librarian at the same time, and in my present position, I assist attorneys with their professional development needs. In some ways it's like being a counselor, and newer attorneys can feel very comfortable seeking me out, because of my objectivity. I no longer work in the library, so the pressures for billing time

are gone, which is something that I don't miss!

Q. HOW DID YOU GET THIS JOB?

There are many firms who hire a former practicing attorneys to manage their professional development programming. I think law librarians can more than adequately assume these positions, particularly reference librarians, because they have had opportunities to work along side attorneys in their servicing of clients needs. I have been part of the associate maturation process for many years and I think that experience in combination with my teaching experience, made me uniquely qualified for my present position.

Q. WHICH OF YOUR SKILLS AS A LIBRARIAN HAVE BEEN THE MOST USEFUL IN YOUR CURRENT POSITION?

My research skills are called upon regularly in the development of course curriculums, finding CLE courses, and teaching courses.

Q. WHAT DO YOU MISS MOST ABOUT WORKING IN A LIBRARY?

I suppose I miss the camaraderie that research professionals share...I am the librarian geek in the HR department now, but everyone knows who to come to when they're looking for something!

Q. WHAT DO YOU MISS LEAST?

I haven't missed having to bill my time for one minute!

Q. WHAT'S THE BEST THING ABOUT YOUR JOB?

Professional and personal skills development are the most positive services that a firm can support and I am happy to be part of it!

Q. WHAT DO YOU CONSIDER YOUR BIGGEST ACHIEVEMENT?

I think I am positive spokesperson for librarians who want to take on new and non-traditional roles.

Q. CAN YOU SEE YOURSELF EVER RETURNING TO A MORE TRADITIONAL LIBRARIAN POSITION?

Sure, you never know what life will throw your way...I'll always be a law librarian!

Q. DO YOU HAVE ANY ADVICE FOR LIBRARIANS WHO ARE INTERESTED IN NON-TRADITIONAL JOBS?

Start networking with marketing and recruitment departments to see what services you can offer them. ■



LEXIS NEXIS AD

PRESIDENT'S COLUMN

Scott Larson
Beveridge &
Diamond, P.C.

CLOSING BANQUET WRAP-UP

Although fall is just around the corner, it does not seem as if spring's LLSDC Closing Banquet was very long ago. It was wonderful to see a large turnout of LLSDC members at the Closing Banquet, which was held on May 19 at the Fairmont Washington which gave me the opportunity to talk to many people in the hotel's garden before the dinner. Dean Olsher, host of "The Next Big Thing," a weekly radio program distributed by Public Radio International, was our featured speaker at the Banquet. Dean's speech was a revealing look at the process of assembling each edition of his show and even included audio excerpts from interviews he recorded while pursuing story ideas in New Orleans' French Quarter. However, as much as I enjoyed Dean's speech, I felt that the true highlight of the evening was the distribution of awards to LLSDC officers and committee chairs for their service throughout the year. I would like to thank Washington Document Service and West Group for their generous sponsorship of the Banquet and for sending representatives to enjoy the dinner with us. I would also like to thank Barbara Gabor and Amy Ratchford for all of the planning and preparations they accomplished as co-chairs of the Arrangements Committee, Jim Walther, who provided valuable assistance with details concerning Dean Olsher's appearance at the Banquet; Susan Ryan, for printing the Banquet program and certificates awarded, and Lisa Harrington and Ann Green for their support and advice in the months before and after the banquet. I also want to thank Ann Green for standing-in for Lisa Harrington (who was still on maternity leave) and passing me the LLSDC President's gavel at the banquet.

The Closing Banquet was followed by a LLSDC Leadership Luncheon at Williams & Connolly LLP in June where incoming and outgoing officers and committees chairs met to make plans for the 2003-2004 year and exchange information. Special thanks go to Executive Board Member Ellen Feldman, who hosted this luncheon, and to all who attended.

LLSDC'S OPENING RECEPTION TO BE HELD ON SEPTEMBER 30

My attention is now focused on the year's many upcoming events, including the Opening Reception, which will be held on Tuesday, September 30 from 8:30-10:30am at the Marriott Metro Center (775 12th Street, NW, Washington). Sabrina Pacifici, Director of Library & Research Services for Sidley Austin Brown & Wood, LLP

and Founder/Editor of the Law Librarians' Resource Exchange (www.llrx.com) and BeSpacific.com (www.bespacific.com), will be our speaker at this event and will speak on latest developments in online research tools. We thank Lexis-Nexis and Leanne Battle and Linda Hutchinson of Lexis's Librarian Relations Group for sponsoring the reception. This event would also not be possible without the dedicated assistance of Lisa Benjamin and Jeff Bowen, co-chairs of the Arrangements Committee.

VISITOR FROM INDIA

Shortly before the Fourth of July it was my pleasure to meet Ms. Uma Narayan, Chief Librarian of the Judges' Library at the Mumbai High Court of Judicature, a guest of the U.S. State Department and who was visiting Washington as part of a three-week trip to the United States. She was accompanied by LLSDC member Jackie O'Neill, her English-language Officer. As a participant in the State Department's International Visitor Program, Ms. Narayan traveled to Boston, Chicago, New York, Seattle, and Washington to familiarize herself with services and technology provided to court officials and private citizens by law libraries in the United States. The list of libraries and organizations she visited while in Washington was diverse and impressive. I was pleased to have the opportunity to meet with Ms. Narayan and describe to her the organization and activities of the Law Librarians' Society of Washington, D.C. She was greatly impressed with the scope of our organization and the many educational and social events it sponsors. Among her goals is to assist with the formation of a library organization similar to LLSDC that can provide training and valuable networking opportunities to court, academic, and other librarians in Mumbai. After meeting with Ms. Narayan, I accompanied her and Ms. O'Neill on a tour of the Information Resource Center located in Hogan & Hartson LLP's Washington office. I am grateful to Austin Doherty and Tina Kelley for arranging this tour and to David Smith for conducting it.

GET INVOLVED!

I encourage all LLSDC members to explore this issue of *Law Library Lights*, the monthly issues of our e-mail newsletter, *Dates to Remember*, and the Society's web site (www.llsdc.org) and find committees you want to participate in or activities you want to attend. If there are questions or suggestions you have that I or the Executive Board can address, please contact me at 202/789-6166 or president@llsdc.org. ■

PRESENT: Scott Larson, Susan Ryan, Stephen Mellin, Ellen Feldman, Judith Leon, Ann Green, and Debbie Trocchi.

ABSENT: Scott Pagel, Lisa Harrington and Frances Brillantine.

CALL TO ORDER: Vice President Scott Larson called the April 10, 2003 meeting to order at 9:10A.M.

MINUTES: Minutes for the meeting on March 13 were approved as amended. Motion to approve made by Ann Green, seconded by Susan Ryan.

REPORTS

PRESIDENT/VICE PRESIDENT: Mention of the change in date for the closing banquet was made. Date is moved to May 19, 2003. Speaker will be Dean Olsher. Membership issues also discussed – ways to increase the membership totals. Letter to all library managers was discussed encouraging the managers to sign up all members of their library staff. Report also on President Lisa Harrington – had her baby.

TREASURER: Stephen Mellin reviewed budget report. March was a good month with deposits coming in. The Legal Research Institute will be getting funding from both Lexis and Westlaw to help with costs. The Chapter's First Union money market account has been closed recently, with the remaining balance transferred to the First Union checking account. In the future, funds will be transferred to the checking account from the FBR money market account when necessary. A discussion of the Joint Spring Workshop was held. Mention was made that in past years expenses were generally covered and the only large expense expected in the near future would be associated with the Closing Banquet.

CORRESPONDING SECRETARY: Card and flowers to be sent to Lisa Harrington.

RECORDING SECRETARY: Elections are in progress with counting of ballots to occur on May 8.

Report from committee/group liaisons: **LIAISON/PLL** – Barnes & Noble social hour on April 9; PLL elections are upcoming. **LIAISON/LEGISLATIVE** –Brown bag lunch scheduled on CRS reports. **LIAISON/PUBLICATIONS** – Keith Gabel is finishing up the Union list orders; next project will be Counsel. **LIAISON/LIGHTS** –next issue of Lights has deadline of May 2. Spring issue was still at the printer. Brief discussion about putting up the candidates' bios on the website so folks could see the information in a timely fashion. Discussion about getting an assistant editor and how to

handle the editorship in the future. Suggestion made to hold a focus group to get ideas from past editors – Ann Green will organize.

MANAGEMENT COMPANY REPORT: One new member to vote on. Motion to accept made by Steve Mellin; seconded by Judy Leon. Dates to Remember reviewed and program by Robin Rebollo noted as needing sponsorship by an interest group.

OLD BUSINESS:

Review of the Town Meeting: Tours were given to the AALL visitors by Kate Martin and Joe Meringolo. Discussion of the AALL Strait Minority Scholarship Fund – what was appropriate amount to pledge. Motion made by Steve Mellin to pledge \$2000; seconded by Ellen Feldman.

NEW BUSINESS:

Discussion of issues presented from the Placement Committee regarding the Jobline and the job postings on the LLSDC website. Motion is made by Ann Green to allow recruitment companies to purchase a link to their job listings for the annual amount of \$200 starting with the 2003-2004 fiscal year; seconded by Steve Mellin. A draft letter would be drawn up by the Placement Committee.

Discussion regarding the Procedures Manual for LLSDC. Requests have been received to have the manual available on the website for new officers and committee chairs. Various versions of the manual are available and the most current in electronic form will be put on the website and current officers and committee chairs will be asked to update or correct the information.

For the Closing Banquet, issue of plaques and certificates is brought up. Susan Ryan will handle both but needs input on who will need to receive them.

Reminder that the next meeting will be held at Morgan, Lewis on May 8, 2003.

ADJOURN: Meeting adjourned at 10:30am. ■

BOARD MEETING SUMMARY

Barbara
Folensbee-Moore
Morgan Lewis &
Bockius

LIGHTS DEADLINE

■ ■ ■ If you would like to write for *Lights*, please contact Tricia Peavler at lights@llsdc.org. For the most up-to-date information regarding the 2003-2004 submission deadlines and issue themes, check the LLSDC Web site at <http://www.llsdc.org>.

LEGISLATIVE RESEARCH SIS NEWS

*Christine Ciambella
Miller & Chevalier*

GREETINGS! BY THE TIME YOU READ THIS, THE AUGUST BREAK WILL BE OVER and Congress will be back at work, scrambling to finish their work by the tentative October 3rd adjournment date. Alas, a legislative librarian's work is never done, and the 2003-2004 membership year is just getting started. Earlier this summer, several of your colleagues met to discuss plans for the upcoming year. The first order of business, however, was voting in Rick Ramponi as vice-president/president-elect of the Legislative Research SIS. Congratulations, and thanks to Rick!

Some of the programs mentioned for the upcoming year have been done before, but bear repeating due to their popularity and usefulness, and due to the ever-changing ways in which we perform our jobs. For example, many more libraries are looking at compiling legislative histories in electronic formats and want more information about using available technology.

Participants expressed interest in programs that would give us an "insider's view" of organizations such as the Office of the Law Revision Counsel, the Congressional Research Service, the Parliamentarians' offices, and the Senate Library.

There was also interest in touring CQ's new facilities and reexamining the resources provid-

ed by other vendors, such as GalleryWatch.

We also discussed putting on educational programs for people interested in doing legislative research. This program would target experienced law librarians who do not do legislative research very frequently. Such a program would increase both their familiarity with materials and their comfort level in performing these types of projects.

Perhaps one of the most useful aspects of library organizations is the opportunity to compare notes with your colleagues. To that end, we discussed holding informal roundtable meetings to address the following topics: How have you integrated online resources into your legislative collection? How has your job changed? What tasks and responsibilities have been added to and subtracted from your daily routine?

It is quite an extensive list, but one thing is missing — YOU! Your comments and input are critical. This is your SIS; what do you want to do? Please take time out of your busy day to share with your colleagues, either by participating in or attending a program. Or by just voicing an opinion on which programs you would like to see. Please contact me (cciambella@milchev.com) or Rick (richard.ramponi@lw.com) with your ideas. ■

ACADEMIC LAW LIBRARIES SIS NEWS

*Iris Lee
The George Washington
University Law Library*

IT IS WITH SOME REGRET THAT I REPORT that previous columns identifying Leslie Lee as the president of the Academic SIS for 2003 -2004 were incorrect. It is regrettable because Leslie Lee would do an excellent job as chair of the SIS and because responsibility for the SIS falls to me, the other Lee at the Burns Law Library. Other officers serving this year are Matthew Mantel, also of the Burns Law Library, who will serve as vice president/ president elect, and Roger Skalbeck of George Mason University Law Library who will be the treasurer.

As President of the SIS I have some interests, but this SIS is not about me, it is about us and what we as a community of academic librarians see as issues of importance. For this reason, I really need to know what topics you the members are interesting in seeing the SIS address. Please send an e-mail to ilee@law.gwu.edu with issues related to your work that you would like the SIS to address in the coming year.

One issue of particular importance to me is the preservation of library materials. We were very lucky to be able to arrange a guided tour of the Library of Congress exhibit of Ancient Manuscripts of Timbuktu for the first week of September. Unfortunately, notice of the event was very short, and we had to visit at a time when many people were enjoying the last days of their summer vaca-

tion. During the year, you will see that I am a big believer in field trips and hands on learning.

I am also planning a one or two day book repair workshop with a book repair expert. Also, proving my faith in the value of field trips, I would like to arrange a tour of Wert Bindery in Hershey, PA as another field trip for the SIS. Now, if you have not been to this bindery, believe me when I say that the trip is not only an opportunity to see books being bound, to have lunch, and most importantly dessert, I mean desserts, at the Hershey Hotel. It is an opportunity to learn about preservation, the various services that Wert offers and to see your materials go through the bindery process. I was amazed at how much I learned. Also, it is a pleasant two and a half hour trip through the rolling hills of Maryland and Pennsylvania.

I also hope to see the SIS work together to develop a legal research training program that can be used by all of the member schools. I hope all of my colleagues in reference services will contribute to this effort. I will be calling upon several of you in the upcoming year to personally invite you to attend a program, to speak at a program or perhaps to host an event at your institution. Just remember when I call, the Society, the SIS, and I, all need your help, and as a librarian, you are supposed to love to help! ■



THE ANNUAL AGENCY DAY EVENT was held at the Department of State on May 23rd. There were approximately 45 people in attendance. The program spotlighted libraries from our defense and security agencies.

Kim Ferrari, Chief of the Research Services Branch, represented the Central Intelligence Agency Library. She delighted the crowd with her video clip from the popular soap opera "Guiding Light". The actor portraying a lawyer was lamenting the need for law books, while his administrators tried to convince him a computer was all he needed. (I am sure this scenario sounds familiar to many of you). In addition, Kim explained the CIA's Open Sources approach to disseminating information, she talked about their monthly Internet briefing, gave an overview of their Intranet site, and she exchanged some of her successful marketing ideas with the group. The CIA Library sponsors a program called Forward Deployed Reference Librarians. Reference librarians are placed within specialized units to support their research needs.

Our second speaker was Hoyt Galloway from The Bureau of Customs and Border Protection (BCBP). Hoyt is the Director of the Information Resources Center. He explained the recent name change for his agency was the result of their incorporation into the newly formed Department of Homeland Security (DHS). Since the 9/11 tragedy the BCBP Library has experience a significant increase in usage. As the only library in DHS they have made a concentrated effort to improve and increase their terrorism collection and to support the Department of Homeland Security.

Marcy Hampton, Chief of the Research Information Branch, and Lynda Kennedy, Senior Law Reference and Collection Development Librarian, represented the Pentagon Library. Because of the tremendous amount of damage suffered during the 9/11 attack the Pentagon Library was forced to move to the Taylor Building in Crystal City. The situation was not ideal with books on one floor, the staff several floors away and their clientele still in the Pentagon. It was determined a storefront library on the Pentagon's main concourse would be a perfect solution. One reference librarian staffed it during peak hours. Earlier this year the Library moved from Crystal City to the Butler Building just outside of the Pentagon. A decision whether this will be a temporary or permanent location has yet to be made.

In an effort to support military personal around the globe, the Library has created an "Ask a Librarian" feature on their website.

They have an extensive collection of online resources available to Pentagon employees. The Army Knowledge On-Line portal (AKO) allows Pentagon employees to access Army electronic publications and form files. MERLN (Military Education Research Library Network) combines the resources of U.S. military libraries across the globe. Visit the Pentagon Library website at www.hqda.mil/library to get more information on other library resources.

The final speaker was Eugenia Ryner, Library Director and Unit Chief, at the Federal Bureau of Investigation (FBI) Library. The FBI Library is located in Quantico, Virginia on the grounds of the FBI Academy. It services not only the Academy and FBI employees, but also law enforcement agencies from all over the United States.

Their collection contains a wide-range of law enforcement materials including books written by and about former FBI employees. Bibliographies of law enforcement topics are conveniently located on their website (<http://fbilibrary.fbiacademy.edu>). The FBI Library also maintains a video collection of movies and television programs that depict the FBI.

At the conclusion of the program a brief business meeting was held for all FLL members. Jeanne Faubell with the Federal Retirement Thrift Investment Board Library, was elected Secretary/Treasurer/President-Elect. Incoming President, Joan Sherer announced the formation of two committees. The Program Committee will be responsible for planning the education and social programs. The Revision Committee will be tasked with revising the *Directory of Federal Law Libraries in the D.C. Metropolitan Area.* If you would like to serve on one (or both) of these committees please contact Joan at (202) 647-1146 or e-mail shererjm@state.gov. ■

FEDERAL LAW LIBRARIANS SIS NEWS

Joan Sherer
U.S. Department
of State
Office of the Legal
Adviser Law Library

DATES TO REMEMBER

Dates to Remember (DTR) is a monthly (September – May) newsletter designed to keep the membership informed of current Society events. *DTR* and the Society's Master Calendars are now being handled by the Society's management office. To clear your date and publicize the event, please contact Millie Gallahan at 703/619-5033 or management@llsdc.org.

MISS INFORMATION

Sarah Nagel
Bryan Cave LLP

LET'S FACE IT. LIBRARIANS ARE NOT MIL-LIONAIRES. We fly coach. We buy bulk. We have bus transfers and many of us know how to use them. How then, do we, the financial hobbits of the legal world, best serve the research needs of the jet-setting international financiers that compromise some of our biggest clients?

Just because the closest you came to international trade was selling your old copy of AARC2 to a library exchange student on www.craigslist.org does not mean that you can never become an expert in global markets. A quick review of web resources at your fingertips will quickly bring you up to the cruising altitude of the sleekest chartered jet.

U.S. DEPARTMENT OF COMMERCE

<http://www.export.gov>

The first destination on any librarian's global itinerary is the U.S. Government Export Portal, maintained by the Department of Commerce. What this site lacks in glamour it easily compensates for in depth of information and ease of use. Research subtopics include Country and Industry Market Reports, Industry Sector Offices, Agricultural Market Research, Country Information (Quick Reference), Video Market Reports Library, Broad Country Information, Project Feasibility Studies, Trade Agreements and Statistics, Region Specific Programs, and Customize Market Research Services.

COUNTRY AND INDUSTRY MARKET REPORTS

http://www.buyusainfo.net/adsearch.cfm?search_type=int&loadnav=no

The Country and Industry Market Reports are provided by the U.S. Commercial Service can be searched using several criteria simultaneously, including; industry, country, region, report type, date range, and keyword. Assume that your client is a fur manufacturer and between her encounters with PETA and global warming, business in the United States is not as strong as it once was, and she is now interested in tapping emerging nations for alternative markets. Performing a search for "Region: Newly Independent Countries," "Industry: Textiles and Apparel" and "Keyword: Fur" results in the display of several reports on commercial markets in Eastern Europe. Using your browser's "Find" mechanism will bring you directly to information that pertains to fur. As it turns out, our manufacturer is in luck. Fur-trimmed accessories are still all the rage in the former U.S.S.R., but according to reports, many of the state run factories are in dire

financial trouble or have already closed. Our furrier friend is laughing all the way to the bank.

EXPORT STATISTICS

<http://www.export.gov/tradestatistics.html>

Export Statistics is maintained by the Office of Trade and Economic Analysis and provides a quick and simple means of identifying what commodities are being exported from the United States as well as their destinations. Three options are available for arranging data: 1) global distribution of U.S. or state exports, 2) state-by-state exports to selected markets, or 3) export product profiles to selected markets. Values for commodities can usually be indicated either in dollar amounts, change of dollar, or change of percentage from previous years. Data is displayed in both map and chart format, and can also be downloaded as a spreadsheet. The colors can even be manipulated to some extent for easy viewing, and for those lacking a color printer; the maps can be printed in black and white patterns for legibility. Our theoretical client is now concerned that Maryland (where her farm, "Think Mink" is located) would not be a major player in the Russian fur market. We do a state-by-state exports to Russia search for "leather and related goods," and as it would appear, Maryland does not export any fur to Russia. However, further exploration shows that Maryland does fall into the middle range of states exporting fur to China. With almost no effort our client has the potential to be Maryland's top (if only) fur exporter to Russia. In this economy, if the only silver lining we've got is trimming the boot of our former global nemesis, so be it.

TECHNICAL REGULATION UPDATES

<http://ts.nist.gov/ts/htdocs/210/ncsci/export-alert.htm>

Technical regulation updates can be accessed through the National Institute for Standards and Technology's Export Alert Service. According to the website, "members of the World Trade Organization (WTO) are required "...to report proposed technical regulations that may affect trade to the WTO Secretariat, who in turn distributes them to all WTO Members." In signing up for this email service members of the general public can receive these alerts as well. The updates include a summary of the regulation, the country of origin and the final date for public comment. The site listed above provides contact information for those who would like to request the full text of the regulation, as well as contact information for those who need to obtain the guidelines for submitting comments.



TRADE AGREEMENTS

<http://www.tcc.mac.doc.gov/cgi-bin/doi.cgi?226:54:851100175:15>

A series of search boxes allows users flexibility when identifying international trade agreements. Available search criteria are general keyword, keyword within title, type of good or service, issue (eg. anti-dumping, labor, intellectual property, market access, WTO, etc.), and country or signatory. Multiple countries/signatories can be designated by using your computer's control or command key while selecting. Some of the agreements have accompanying guides providing information such as frequently asked questions, summaries and contact information for more detailed inquiries. For example, perhaps our client the furrier would like some examples of current trade agreements that would pertain to her burgeoning accessory business. Although the term "fur" doesn't retrieve any hits, the search term "hides" and "animals" return results such as "The European Union Humane Trapping Standards Agree-

ment" and "WTO: Multilateral Agreements on Trade in Goods: Agriculture" which covers animal hides and skins. Of course, if you know the title of the agreement your patron is interested in, you might be able to avoid a time consuming interlibrary loan request by beginning your research here.

IN CONCLUSION

Miss Information would like to close by offering this; just because we are not wearing Jimmy Choo shoes or Saville Row suits and vacationing in Mustique does not mean we are not allowed to provide fabulous information service to the movers and shakers that comprise much of our clientele. There is a wealth of international trade information available on the web, and trust me, you do not need to be George Soros to afford it. And, of course dear readers, Miss Information does not wear fur, preferring the comfort and flexibility of her swimsuit, sash and tiara. No animals were hurt in the production of the search examples for this column. ■

2002/2003 WAS AN ACTIVE YEAR for the Foreign and International Law SIS. In cooperation with the Law Library of Congress, the SIS sponsored several programs, including another installment of the popular *Fundamentals of Foreign Legal Research* series which covered Japanese law. The SIS also co-sponsored a well-attended program held at the Library of Congress entitled *Free Trade and Economic Integration in Asia: The Changing Legal Landscape*.

Society members will again have the opportunity to tap into the expertise of area foreign and international legal experts with a new series of programs that are being planned

for the coming year. Details will be announced in future issues of *Dates to Remember*, on the LLSDC listserv, and at the Foreign/International SIS(s) page on the Society(s) website at: <http://www.llsdc.org/sis/forint/>.

The Foreign and International Law Special Interest Section will soon be recruiting candidates to fill the positions of President and Secretary/Treasurer in the coming year. As always, volunteers are also needed to plan future events for the Foreign and International Law SIS. If you are interested in either, please contact Herb Somers at hsomers@law.gwu.edu or 202-994-5177. ■

FOREIGN AND INTERNATIONAL LAW SIS NEWS

Herb Somers
The George Washington
University Law Library

WELCOME BACK TO ANOTHER YEAR OF PLL ACTIVITIES AND PROGRAMS.

Just as we begin gearing up for another year, our President Jim Walther is leaving us for New York to pursue a new opportunity. Jim did a great job for LLSDC PLL last year and we will miss him greatly. In light of Jim's departure, I will serve out the remainder of Jim's term as President. In addition, the Board has appointed Sarah Nagel of Bryan Cave as Vice President for a one-year term. I am looking forward to working with Sarah, Treasurer Carolyn McKelvey, and Secretary Kristy Yarnell in the year to come.

WE NEED YOUR INPUT: By the time this issue hits the press, the PLL education and social

committees will already be planning educational seminars, brown bag luncheons and social events. We need your input to help us ensure we are putting together programs and events that fit your interests. If you would like to get involved or have an idea for a program/event you would like to see planned, please contact me at jkorpacz@cov.com or at 202/662-6153.

KUDOS: Finally, many thanks to last year's board President Pete Vay, Vice President/President-Elect Jim Walther, Treasurer Tracy Fritz, and Secretary Lisa Benjamin for a great year of educational programs and fun social activities. We hope to keep up the good work and look forward to seeing you at PLL events! ■

PRIVATE LAW LIBRARIES SIS NEWS

Jennifer Korpacz
Covington & Burling

NEWS OF MEMBERS

Jeffrey Freilich
Ivans, Phillips &
Barker

A BUFFET BREAKFAST FOR NEW MEMBERS will be held at Old Ebbitt Grill on Thursday, October 9th from 9:00 am until 11:00 am. New members have been sent invitations. A similar event was held last year at Old Ebbitt and was well attended and enjoyed. RSVP to Laura Reilly at Morgan, Lewis, Ireilly@morganlewis.com as soon as you get your invitation.

NEW MEMBERS

Nina Balter – Former D.C. Librarian
M Jessie Barczak – Womble, Carlyle
Andrea L. Blison – George Mason University
Dawn Bohls – Collier Shannon
Myesha Tyler Boodram – The George Washington University Jacob Burns Law Library
Jody T. Coyle – Dialog Corporation
Alanna M. Dalton – Arnold & Porter
Jennifer Dismukes – Kirkland & Ellis
Christopher J. Ferenschak – McDermott, Will and Emery
Beverly Forrest – Akin, Gump, Strauss, Hauer & Feld
Tammy Gallo – Burt, Maner, Miles and Staples
Kenneth Goldberg – Research Associates
Elanor Gonzalez – Shearman & Sterling

Rebecca Green – Ivins, Phillips & Barker
Anna C. Hall – Catholic University of America
Dorothy Hamid – U.S Dept. of Energy
Elena Howell – Covington & Burling
Billie Jo Kaufman – American University
Ross Kiser – American Staffing Association
Stephen Lafalce – Clifford Chance US LLP
Laureen Lentz – Catholic University of America
Craig Levin – Clifford Chance US LLP
Sarah Lyon – Drinker Biddle & Reath, LLP
Mary C. Lyons – Student, UMD
Lonnie R. Merriett – CQ Press
Jennifer E. Miller – Winston & Strawn
Francesca O'Connor – Wilkinson Barker Knauer, LLP
Abigail Rudman – Covington & Burling
Terry Seale – Greenberg Traurig
Keith A. Searls – Social Security Administration
Steven Shearer – Steptoe & Johnson
Julie Silverman – University of Maryland
Monica Sutton – Kirkland & Ellis
Louise Tsang – Georgetown University Law Center
Michael Vanderheijden – C.A.C.I Inc.
John Winner – Sheppard, Mullin, Richter & Hampton LLP ■

EYE ON SERIALS

Susan Ryan
Georgetown University
Law Library

PRINT PUBLICATIONS

Journal of International Criminal Justice, 2003-
Published three times per year by Oxford University Press, Journals Customer Service Department, Oxford University Press, 2001 Evans Road, Cary, NC 27513; 800/852-7323; Fax: 919/677-1714; E-mail: jnlorders@oup-usa.org; Website: <http://www.law.oupjournals.org>
Price: \$240.00 per year.

This journal will address the major problems of justice from the angle of law, jurisprudence, criminology, penal philosophy and the history of international judicial institutions. Its main focus will be the problems facing international law in the light of the establishment of the international criminal courts.

Washington University Global Studies Law Review, 2001/2002-

Published semi-annually by the Washington University School of Law, Campus Box 1120, One Brookings Drive, St. Louis, MO 63130-4899; 314/935-6498; E-mail: dent@wulaw.wustl.edu
Price: \$25.00 per year.

This publication offers writings on international, foreign and comparative law topics. Each issue features articles, comments, notes and

book reviews written by legal scholars, students and practitioners in the field.

ON-LINE SUBSCRIPTIONS

Energy Legislation Wire, 2003-
Published and updated daily by Bureau of National Affairs, 1231 25th St. NW Washington, DC 20037; 800/372-1033; Fax: 800/253-0332; E-mail customercare@bna.com, Website: <http://www.bna.com/>

Price: contact BNA for pricing
Designed as a professional tool for attorneys, energy executives, energy trade association executives, and government officials, this daily Web update thoroughly covers the multi-faceted federal energy legislation under consideration by the 108th Congress.

TITLE CHANGE

Journal of Law and Social Change, 2002-
Published annually by the University of Pennsylvania Law School, 2400 Chestnut Street, Philadelphia, PA 19104
Price: \$25.00 per year.

Formerly *Hybrid*, this new title began with volume 6 dated 2002. The last issue of *Hybrid* was volume 5 dated 2000. ■



NCCUSL DISCHARGES UCITA STANDBY COMMITTEE

The National Conference of Commissioners on Uniform State Laws (NCCUSL) discharged the standby committee of the Uniform Computer Information Transactions Act (UCITA) on August 1, 2003 at NCCUSL's 112th Annual Meeting held in Washington, D.C. This "unprecedented," though not wholly unexpected, action stems from intense, wide-ranging opposition to UCITA. Although the committee has been discharged, thereby withdrawing official NCCUSL support of the controversial software licensing law and efforts to seek its adoption by state legislatures, the NCCUSL President K. King Burnett did make clear in her statement that "UCITA will remain in place as a resource for the American legal and political community, and for reference by the courts. This major advocacy victory should not prompt librarians to fully lower their guard because UCITA can still be introduced by any legislator in any state, so it is important that we continue to monitor state legislative activity on UCITA.

RECENT GAO STUDY NOTES PROBLEMS WITH NARA E-ARCHIVES SYSTEM

A recent GAO report, requested by Rep. Ernest Istook (R.-Okla.), chairman of the House Appropriations Committee's Transportation, Treasury and Independent Agencies' subcommittee, found that the National Archives and Records Administration's (NARA) proposed Electronic Records Archive (ERA) project has many problems: an incomplete target enterprise architecture, a lack of description of the characteristics from the end user's perspective and an inability to adequately track the cost and schedule of the program. These are key elements of the standards set forth by the Institute of Electrical and Electronics Engineers (IEEE), the industry standard that NARA elected to follow.

The text of the report is available at the following website: <http://www.gao.gov/new.items/d03880.pdf>

GRC COMPLETES PERMANENT PUBLIC ACCESS TO GOVERNMENT ELECTRONIC INFORMATION REPORT

The Permanent Public Access of State Government Information: A State-by-State Compilation and Resource Guide assesses the level of permanent public access to electronic government information across all state governments. It was

generously funded by a grant from Aspen Legal Publishers.

Members of the American Association of Law Libraries in each state, the District of Columbia and Puerto Rico completed a comprehensive survey. The survey results reveal that no state is comprehensively addressing these challenges. The Government Relations Committee hopes that the findings of this report will encourage state governments to work with law librarians and the broader library and public access communities to enact legislation in order to ensure that permanent public access to electronic government information will become a reality all across our Nation.

The text of the report may be viewed at the following website: http://www.ll.georgetown.edu/aallwash/State_report.pdf

GPO AND NATIONAL ARCHIVES UNITE IN SUPPORT OF PERMANENT ONLINE PUBLIC ACCESS

Archivist of the United States, John W. Carlin, and United States Public Printer, Bruce R. James, announced an agreement whereby the Government Printing Office (GPO) and the National Archives and Records Administration (NARA) will ensure that documents currently on GPO Access, including the online versions of the Congressional Record, the Federal Register, the Code of Federal Regulations, and other electronic publications distributed by the Superintendent of Documents, will remain available permanently.

Librarians, including members of the Association of Research Libraries and the American Association of Law Libraries, have long believed that this was a necessary step in ensuring permanent public access to and preservation of electronic government information.

According to the agreement that was signed on August 12, NARA will assume legal custody of the records as part of the official Archives of the United States and GPO will retain physical custody and be responsible for permanent public access and preservation of the records. ■

GR INSIDER

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