

## Patent Searching on the USPTO Web Site

Joanne Dugan, Assistant Director for Public Services, University of Baltimore Law Library

The University of Baltimore Law Library recently became a Patent and Trademark Depository Library (PTDL) as part of the PTDL program at the United State Patent and Trademark Office (USPTO). The PTDL program is similar in many ways to the GPO Federal Depository Library program: the library receives valuable materials from the USPTO in return for making those materials available to the public. A major difference of the PTDL program is that training plays a much more prominent role, both in terms of what the library gets from the agency and in terms of what the library offers the public.

This article focuses on patent information that is available through the USPTO's Web site. The U.S. patent database is one of the largest technical database in the world, containing more than 7 million U.S. patents classified into 145,000 types of inventions. The Web site allows researchers to do full-text searches of all patents issued since 1976, and all published patent applications since 2001. (A patent application is typically published around 18 months after it is submitted, unless the inventor requests that it not be published.) The Web site also offers scanned images of every patent issued from 1790 through 1975 (other than the so-called "X" patents, which were lost in the patent office fire of 1836), and these are indexed by patent number or classification.

### A Wealth of Information in the Patent Databases

So why would a law librarian—or anyone else, for that matter—be interested in searching the patent databases? The most obvious answer for

law librarians is to help clients wanting to patent their inventions. In order for an invention to be patentable, it must be novel and non-obvious. An inventor establishes that these criteria are met by doing a "prior art" search—looking for earlier patents that are similar. Scientists search the patent databases for technical information that can serve as building blocks for future inventions. According to Walt Johnson, 80% of the information contained in patents is never published anywhere else (*Basics of Intellectual Property*, 29th PTDL Training Seminar, Alexandria, VA, Apr. 2, 2006). A search of the patent database may reveal that someone is using one of your patents without your approval, and it also serves as due diligence to ensure that you are not infringing on someone else's patent. Researchers also search the patent databases to monitor business competition, uncover assets, and for genealogical and historical research.

### Finding a Needle in a Haystack

I mentioned earlier that the patents database is full-text searchable for patents issued after 1975 and for applications after 2000. Unfortunately, full-text searching in patent databases is as susceptible to error as it is in legal databases. Technical and scientific terminology frequently becomes obsolete (think about LPs, hi-fi's and water closets). Similar terms have different meanings depending on the context (the mousetrap I keep in my pantry is very different from the mousetrap logic circuit that an electrical engineer might concern himself with). Add to that the usual spelling errors and variations, acronyms, and abbreviations, and keyword searching

*continued on page 5*

The U.S. patent database is one of the largest technical databases in the world, containing more than 7 million U.S. patents classified into 145,000 types of inventions.

## Embracing the Unknown

*Dawn Bohls, Covington & Burling LLP*



“Researching Special Areas” is the focus of this issue of *Law Library Lights*. The articles in this issue cover eight very diverse topics, from manual research to patent research to handling complex interlibrary loan requests. Yet the topics covered here only scratch the surface of the subject matter that a law librarian can be

asked to research on a typical day! When we’re faced with a topic that we’re not familiar with (election law, anyone?), it’s always helpful to have some guidance directing us to the basic resources and to assure us that we’re headed in

*continued on page 3*

## Table of Contents

### FEATURES

<b>Patent Searching on the USPTO Web Site</b> <i>Joanne Dugan</i>	1
<b>An Introduction to Election Law Research</b> <i>Sara Sampson</i>	8
<b>An Introduction to Federal Communications Law Sources</b> <i>Sara Kelley</i>	11
<b>National Criminal Background Checks: Myths, Realities &amp; Resources</b> <i>Jackie Walters</i>	14
<b>Federal Government Contracts Research Guide</b> <i>Ellen M. Callinan and Marielena Fina</i>	18
<b>A Guide to Resources Concerning International Development Banks, with a Particular Focus on the World Bank Group</b> <i>Laura Lalime-Mowry and Christian Tomás</i>	23
<b>Manual Research: It Doesn't Have to Be Puzzling</b> <i>Beth Maser and Donna Cavallini</i>	26
<b>Advanced Interlibrary Loan Research</b> <i>Larry Guthrie</i>	29

### COLUMNS

<b>Editor's Column</b> <i>Dawn Bohls</i>	2
<b>President's Column</b> <i>Billie Jo Kaufman</i>	4
<b>Membership News</b> <i>Amy Taylor</i>	7
<b>Eye on Serials</b> <i>Susan Chinoransky</i>	13
<b>Book Review</b> <i>Karen W. Silber</i>	32
<b>Tech Talk</b> <i>Roger V. Skalbeck</i>	33



Law Library

# Lights

### Deadline for Submissions

If you would like to write for *Lights*, please contact **Dawn Bohls** at [dbohls@cov.com](mailto:dbohls@cov.com). For the up-to-date information regarding the 2006-2007 submission deadlines and issue themes, visit the LLSDC Web site at [www.llsdc.org](http://www.llsdc.org).

*Law Library Lights* is published quarterly by the Law Librarians' Society of Washington, D.C., Inc. 20009, ISSN 0546-2483.

Beginning with Vol. 50, #1 (Fall 2006), *Law Library Lights* is now published in PDF format on the LLSDC Web site: [www.llsdc.org](http://www.llsdc.org). Notification of availability of each new issue will be sent to the LLSDC listserv. If you would like to receive individual e-mail notification when new issues are published, please send an e-mail to **Dawn Bohls** at [dbohls@cov.com](mailto:dbohls@cov.com).

LLSDC does not assume any responsibility for the statements advanced by contributors to *Law Library Lights*. The views expressed herein are those of the individual authors and do not constitute an endorsement by LLSDC.

## From the Editor *continued from page 2*

the right direction. Here are some of my favorite strategies for getting up to speed on new topics:

**Google!** Googling a topic helps me get my bearings. I can learn some terms of art, find out current developments, get familiar with what's available free on the Internet, and just generally develop a basic comfort level that will allow me to explore the topic more fully with confidence once I turn to subscription resources.

### **Zimmerman's and law school pathfinders.**

Because of its breadth of coverage, Zimmerman's Research Guide (<http://www.lexisnexis.com/infopro/zimmerman/>) is one of my favorite resources. Need to know about researching Japanese law? Court admission? RICO? Odds are, if you need to know what resource to use, Zimmerman's will have a suggestion. I'm a big fan of law school pathfinders as well. I've found Georgetown Law Library's extensive collection of Research Guides to be very helpful (to put in a plug for a local school): (<http://www.ll.georgetown.edu/research/index.cfm>).

**LexisNexis and Westlaw toll-free numbers.** Our librarians definitely take advantage of the Lexis and Westlaw research attorneys. Several times a day, we're on the phone with them to determine the best database or search string to use, or just to make sure that the information we're looking for is actually available. And we don't just limit our calls to Lexis and Westlaw—we believe that customer

service is there to serve, and if a phone call can help us contain our research costs, so much the better.

**Publications** (including *Lights*, of course). One of my favorite special-research-area-focused articles is a piece by Alea Henley on the topic of accounting standards that appeared in a 2002 issue of *Lights* ([http://www.llsdc.org/lights/pdf/47\\_2.pdf](http://www.llsdc.org/lights/pdf/47_2.pdf)). As a former CPA, I can appreciate an article that does such a great job of pulling together the available resources and explaining their significance. Articles in legal and law library publications can be great reference aids for getting a good feel for the key resources in a particular area of law.

**Training courses.** Working in the D.C. area as we do, we have plenty of opportunities for formal training. Many of our vendors have regular training opportunities, LLSDC offers programs through its Special Interest Sections and Focus Groups, and (branching out further) national and regional conferences offer plenty of options for learning about unfamiliar subject areas.

The keys to facing research in new areas are a willingness to learn combined with the ability to learn QUICKLY! I hope the articles in this issue will be of use to you. Fast forward to a year from now. You're suddenly faced with a government contracts research project and you don't know where to start. You'll be able to think to yourself, "Wasn't there an article on this topic in *Lights* a while back...?" **LLL**

For those of us who've been law librarians for a while, this issue can help motivate and energize us by reminding us what a remarkable profession we belong to, and what great people share our calling.

## Sandy Peterson Lecture/Town Hall Meeting

Please join your colleagues at the combined Town Hall Meeting and Sandy Peterson Lecture on Wednesday, April 25 at 4:00 in the afternoon at American University's Washington College of Law. The meeting will feature a demonstration of the new LLSDC Web site and will be followed by a wine and hors d'oeuvres reception. After refreshments, Stephen Wermiel, American University Law Professor, will deliver the 2007 Sandy Peterson Lecture. Professor Wermiel is a noted author and the official biographer of *Justice William Brennan Jr.* Justice Brennan will be the subject of his lecture. The Washington College of Law is generously sponsoring this event, so it will be free to LLSDC members. For more information, please check the LLSDC Web site (<http://www.llsdc.org>).

### **Closing Banquet — Save the Date!**

BNA will generously sponsor the LLSDC Closing Banquet this year on Thursday, May 24 at the Marriot Washington Hotel. Further details will be made available through the LLSDC Web site <http://www.llsdc.org> and on the list serve.



Stephen Wermiel

## Why LLSDC Matters

I was reading an article in *American Libraries* recently that explained to members why ALA matters and thought, Wait a minute—LLSDC is certainly not as large as ALA or even AALL, but LLSDC matters, too!

LLSDC makes a difference almost everyday in the life of your library. Consider these examples:

- You obtain and provide resources—obscure and not so obscure—through the LLSDC ILL network.
- If you have a question about a vendor, you contact a colleague you've met through LLSDC.
- You attend a great lunch/brown bag session where you meet new friends and learn a new management skill.
- You are new to the area and use the LLSDC Web site to find a new position.
- You find a roommate for AALL among your LLSDC colleagues.



Billie Jo Kaufman  
American University  
Law Library

### **LLSDC matters!**

It gives you an opportunity to voice and forum-share your law librarianship concerns.

### **LLSDC matters!**

It gives you the tools to best communicate and demonstrate the value of your skills to your users and bosses.

### **LLSDC matters!**

For less than \$100 a year, you gain access to a network of over 700 friends in all kinds of law libraries.

### **LLSDC matters!**

From your first day of membership, you're able to actively participate. If you volunteer to help, your offer will be accepted.

Sometimes it's very hard to know the true value of things we purchase; but it's easy with LLSDC membership. It matters.

The next few months will see: the debut of the new LLSDC Web site, the LLSDC Annual Town Meeting & Peterson Lecture, and, in late May, the celebration of another great year.

We're glad you are a member. Encourage others to take advantage of the programs, events, and volunteer opportunities of LLSDC.

Happy Spring!

becomes a very unreliable means of capturing useful information.

As librarians, we know the value of strong indexing, even in this age of full-text searching. We also know the challenges of capturing sometimes amorphous concepts with concrete terms. Now just think about how enormous the task of classifying patents must be, especially since every new patent is, by definition, unlike any that has come before it! Nevertheless, the USPTO has developed the United States Patent Classification (USPC) system. This is a hierarchical system of more than 460 classes and 154,000 subclasses. It covers all technology divisions and has been used to assign over 21 million classifications.

Learning such a complex indexing system can be intimidating, but the USPTO offers tools to help, as well as a search strategy that takes advantage of the best aspects of keyword and classification searching. The USPTO Web site includes links to the Index of the USPC, the Manual of Classification, Classification Definitions, and the *Patent Examiners Handbook*.

Each USPC class and subclass gets a title that is descriptive of the subject matter, so the classification system itself can be searched by keyword. This capability is the main feature that allows non-experts to do sophisticated classification searches, as described next.

### Seven Step Patent Search Strategy

The USPTO has devised a straightforward searching strategy that capitalizes on the descriptions built into the classification system. As an example, I'll search for prior art for circular knitting needles.

**Step 1: Brainstorm for keywords describing the invention** (for example, "knitting needle" or "circular needle"). Emphasize technical terms and keywords that focus on the purpose of the invention, the materials used, and whether it is utilitarian or ornamental. Avoid generic or overbroad terms that are unlikely to help narrow your results.

**Step 2: Use the Index to the USPC to find applicable classifications.** The Index is available at [www.uspto.gov/web/patents/classification/uspcindex/indextouspc.htm](http://www.uspto.gov/web/patents/classification/uspcindex/indextouspc.htm). The Index has a category for knitting,

and an entry under that category referred me to Class 66: Textile: Knitting, and subclass 116+: Needles.

**Step 3: Check the Class Schedule in the Manual of Classification.** When I click on the class or subclass numbers, it brings me to that section of the classification schedule. I can then scan the entire class schedule to see if there are any additional or more appropriate subclasses I should be looking at. In my example, it turns out that subclass 116—needles—was further divided (as indicated by the plus sign in the Index) and subclass 117 was even more specific to my search: hand-held needles.

**Step 4: Consider Classification Definitions.** Once I've tentatively identified my class and subclass, I need to check the definition of the class to establish the scope of the class. The definition also contains a "See or Search Class" note that contains further suggestions for searching.

**Step 5: Search Issued Patents and Patent Applications.** Once you've confirmed that you have the correct classification, you can retrieve and review all of the patents in that classification since 1790, and all patent applications since 2001. (The patent applications are in a separate database, AppFT, so this will mean two searches.)

A search of the Issued Patents database results in 215 documents.

**Step 6: Review Patent and Application Documents.** From the list of 215 documents, I can easily see that some are not relevant to my search. (For instance, I am interested only in knitting needles, not in accessories such as carrying cases.) For those that may be relevant, I'll need to examine the claims, specifications, and drawings to see whether any closely resemble my invention. The claims are especially important, since they establish the boundaries of the property rights granted by the patent. For patents before 1976, I'll need to click on the images to be able to see the text, since these patents have been scanned.

**Step 7: Consider References and Field of Search.** Each patent document contains a list of references, including relevant patents, and a list of additional classifications that may be

*continued on page 6*

The USPTO has developed the United States Patent Classification (USPC) system. This is a hierarchical system of more than 460 classes and 154,000 subclasses.

## USPTO Web Site *continued from page 5*

relevant. A diligent searcher will use these bits of information to repeat Steps 5 and 6 until it becomes apparent that all likely research trails have been explored. Other avenues to explore include the forward references (patents that cite the patent you're viewing) and other potentially relevant classifications from the "field of classification search" and the current USPC classification fields.

### Other Criteria for Searching Patents

This article has focused on using the classification system to search for patents within a specific field of technology, but the classification system is only the tip of the iceberg. Patents contain a wealth of information independent of the classification system. For instance, the search screen on the USPTO Web site allows you to search for specific inventors, geographic

locations, assignees, dates, attorneys, and a number of other fields.

As good as the public interface for the USPTO Web site is, you may also want to consider additional resources for patent searching. Lexis, Google, Derwent, and several other private vendors offer patent searching tools. Best of all, more in-depth training and research tools are available to the public for free at a Patent and Trademark Depository Library. As the newest member of that group, I look forward to working with you!

**Special note:** The author would like to thank and acknowledge the staff at the USPTO, and especially the librarians in the PTDL program. Much of this article was gleaned from training materials provided by this group. Specifically, the author would like to thank Chris Black, Terrence Mackey, and Walt Johnson. **LLL**

*Amy Taylor, Reference Librarian, Georgetown University Law Library*

### Congratulations!

**Dawn Bohls** was promoted to Senior Research Librarian at Covington & Burling LLP.

**Christine Ciambella**, Access and Re-search Services Librarian at George Mason University School of Law, wrote a chapter on academic access services for the forthcoming book, *A Day in the Life: Career Options in Library and Information Science*.

**Cameron Gowan** of Gilbert Heintz & Randolph was selected to attend the Management and Leadership seminar sponsored by AALL in Tucson.

**Elizabeth LeDoux** is working part-time at the Washington Affairs Office of AALL, assisting Mary Alice Baish. Elizabeth was formerly with Covington & Burling LLP.

**Robert Oszakiewski** is the new librarian at Porter Wright Morris & Arthur.

**Jennifer Korpacz Pelaia** of Covington & Burling LLP authored the biotechnology resources chapter in the new book, *Biotechnology and the Law*, published by the American Bar Association.

**Sarah Rhodes** is the new Digital Preservation Librarian at the Georgetown University Law Library. Georgetown is embarking on a pilot project using the OCLC Digital Archives.

**Judith Weiss** is the new Library Manager for the Corporate Library of the Pension Benefit Guaranty Corporation. She can be reached at [weiss.judith@pbgc.gov](mailto:weiss.judith@pbgc.gov) and her phone number is 202/326-4000, ext. 3091. Prior to this position, Judith was the librarian for the Washington, D.C. office of Fulbright & Jaworski LLP.

**Michael Willens** graduated from Catholic University's School of Library and Information Science in May 2006.

**Natalie Young** of WilmerHale graduated from Drexel University's School of Library Science in September 2006. **LLL**

---

### Announcements

The University of Baltimore School of Law Library is now a Patent and Trademark Depository Library (PTDL). Intellectual property information on more than 7 million patents and more than 4 million active or pending trademark registrations is accessible in PTDL-designated facilities, as is other relevant information on intellectual property in a variety of media. Services at PTDLs are offered at no charge and include assistance in accessing and using patent and trademark documents, training on USPTO databases, obtaining access to the USPTO Web site, and hosting public seminars on intellectual property topics for novice and experienced innovators.

### SIS Reports

The Federal Law Librarians SIS met on January 31 at the new HHS/OGC Law Library to discuss events and programs for the upcoming year. On March 1st, the Federal Law Librarians SIS and the U.S. Department of Justice Law Librarians co-hosted a brown bag lunch on the use of virtual reference in a law library. **LLL**

# An Introduction to Election Law Research

Sara Sampson, Head of Reference,  
Georgetown University Law Library

**E**lection Law is a diverse and growing area of the law that includes all the mechanics of the voting process from becoming a candidate to counting (and recounting) ballots. Two major areas of election law are campaign finance and voting rights. This guide covers the main resources for conducting election law research. It will not cover current awareness resources for campaigns & elections, as that topic was covered in depth by Julia Taylor in the Winter 2002 issue of *Law Library Lights* ([http://llsdc.org/lights/pdf/46\\_2.pdf](http://llsdc.org/lights/pdf/46_2.pdf)).

(**Note:** Bibliographic information for locating particular books or Web sites mentioned herein can be found at the end of this article.)

## Getting Started

There is no currently updated general treatise on election law. Instead, to get a general overview of election law, legal researchers should consult one of the two leading casebooks, *Election Law: Cases and Materials* and *The Law of Democracy*, or books on the Supreme Court's election law jurisprudence, such as *The Supreme Court and Election Law: Judging Equality from Baker v. Carr to Bush v. Gore* or *The U.S. Supreme Court and the Electoral Process*. To find an overview on a particular election law topic, legal researchers should find a book, treatise, or law review article on the issue being researched. To locate appropriate books, legal researchers can use the Library of Congress Subject Heading "Election law—United States" for more precise search results.

There are several resources on the topic of campaign finance law. CCH's *Federal Election Campaign Financing Guide* is the place to turn when you want to know more about the intersection of money and federal politics. It also has the full-text of relevant laws & regulations. BNA's *Money & Politics Report* is a daily report focusing on campaign finance and related issues. The online version allows full-text searching and groups together articles on a particular topic in the "Major Topics" area.

The *Initiative and Referendum Almanac* provides a general overview on these direct democracy tools and a step-by-step guide to using them. Because this text is not updated, legal researchers will have to do their own updating by reviewing a state's codes and case law before relying on the information in the book. Some of this information is available online at the Initiative & Referendum Institute (<http://www.iandrinstitute.org/>).

## Researching

In general, election law research can be much more complicated than expected. One reason is that the search terms used to find cases and statutes on election law are frequently found in other legal areas in which elections occur. For example, in a natural language or Boolean search to find cases concerning the proper procedure for counting ballots, a legal researcher may get cases about corporate, church, or union elections as well as state, federal and municipal government elections. The answer? Use controlled vocabulary searching such as West's Topic and Key Number system. The topic of Elections is broken down into very discrete Key Numbers that allow a researcher to generate precise results.

When doing statutory research, it is important to use the index to find all of the relevant material, especially in an unfamiliar jurisdiction, because relevant laws may be scattered throughout the code, even though an election law title exists. Furthermore, the code may use antiquated or local terminology.

Finally, legal researchers should always consult the jurisdiction's election official's Web page as there may be directives, regulations and even letters to local election officials that effect the law at issue. For example, Ohio's Secretary of State's Web page (<http://www.sos.state.oh.us/>) has links to directives that interpret Ohio election law provisions. These directives won't be found in a typical Westlaw or Lexis search.

## Resources

Other helpful election law sources, both print and online, are listed on page 9.

The Federal Election Commission is charged with administering and enforcing federal campaign laws. The agency's Web site includes databases of finance reports filed by

Election Law is a diverse and growing area of the law that includes all the mechanics of the voting process from becoming a candidate to counting (and recounting) ballots.

federal candidates and fundraising groups and of current enforcement proceedings, as well as links to commission meeting documents, laws, and regulations.

The Election Assistance Commission (EAC) was established to help states improve voting procedures. To further this mission, EAC accredits voting systems and provides advice to the states on how best to conduct elections. The agency's website provides links to the agency's advisories, guidance documents, and reports.

*Election Law Journal* started publication in 2002. Each issue has articles, book reviews, and reprints of important election law documents that may be difficult to find. Although most articles focus on United States election law at the federal and state level, recent issues have included articles on international topics such as campaign finance in the United Kingdom and Israel, dedicated parliamentary seats for indigenous peoples in New Zealand, papal election rules, and the state of democracy in North America. Reprints of documents have included cases, congressional testimony, and reports from task forces and interest groups. Currently, this journal is available on Westlaw, but not on Lexis.

Blogs are a great place to find breaking news about elections or election related litigation. They are often the first place to post court documents or reports. *Election Law*, by Rick Hasen, covers all areas of election law and is the best place to get breaking news and links to newsworthy documents. *Equal Vote*, by Dan Tokaji, covers voting rights and election reform with a special focus on the impact on "people of color, non-English proficient citizens, and people with disabilities." This blog has much more commentary than the others, so it's the place to look for arguments & opinions on election law developments. Other blogs that are frequently updated with election law related news and documents are VoteLaw, Election Updates, and Skeptic's Eye.

Electionline.org follows elections and election administration around the country. Those who are interested in election law or who will be doing research on an ongoing basis should sign up for the weekly newsletter. Electionline also publishes reports on topical issues, many of which include 50-state surveys on election law issues. One type of report is the Briefing series. Each Briefing looks at a narrow election law topic and summarizes the current

state of the law (usually including a 50-state survey) and potential problems in that area of election administration. The reports are available in PDF on the group's Web site.

Election Law @ Moritz is a non-partisan Web site produced by faculty and librarians at Ohio State University College of Law. It has a nice collection of election law related litigation documents. It generally follows about 25 pending state and federal cases, collects the major documents, and summarizes the legal issues. Since the site has been compiling this information since 2004, it has a large collection of election litigation documents archived. The site created an e-book on Election Law in 2004, but hasn't updated it regularly in the past year. During election seasons, faculty and fellows monitor relevant election law topics throughout the country.

The National Association of Secretaries of State maintains a list of the officials in charge of elections for each state and links to the election information Web page for each jurisdiction. This is an easy way to determine what state agency is in charge of elections. State election Web pages vary widely in quality. Some have links to election laws and regulations, statistics (including historical election results), and campaign finance reports. Others have very little information.

Other resources to consult include Georgetown Law Library's Find it Fast guide and the Library of Congress' research guide. Both the legal wiki Wex and Wikipedia have an entry on election law. All of these resources link to primary source material.

#### **Election Law print materials:**

- Commerce Clearing House. *Federal Election Campaign Financing Guide*. 2 vols. Chicago: Commerce Clearing House, 1981-.
- Election Law Journal*. Larchmont, NY: M.A. Liebert, 2002-.
- Hasen, Richard L. *The Supreme Court and Election Law: Judging Equality from Baker v. Carr to Bush v. Gore*. New York, NY: New York University Press, 2003.
- Issacharoff, Samuel, et al. *The Law of Democracy: Legal Structure of the Political Process*. Rev. 2d ed. New York, NY: Foundation Press, 2002.

*continued on page 10*

**Blogs are a great place to find breaking news about elections or election related litigation. They are often the first place to post court documents or reports.**

## Introduction to Election Law Research

*continued from page 9*

Lowenstein, Daniel Hays and Richard L. Hasen, eds. *Election Law: Cases and Materials*. Durham, NC: Carolina Academic Press, 2004.

*Money & Politics Report*. Washington, D.C.: Bureau of National Affairs, 1997-.

Ryden, David K., ed. *The U.S. Supreme Court and the Electoral Process*. 2nd ed. Washington, D.C.: Georgetown University Press, 2002.

Waters, M. Dane. *Initiative and Referendum Almanac*. Durham, NC: Carolina Academic Press, 2003. [LLL](#)

---

## Election Law Web Sites

Election Assistance Commission	<a href="http://www.eac.gov/">http://www.eac.gov/</a>
Election Law @ Moritz	<a href="http://moritzlaw.osu.edu/electionlaw/index.php">http://moritzlaw.osu.edu/electionlaw/index.php</a>
Election Law blog	<a href="http://www.electionlawblog.org/">http://www.electionlawblog.org/</a>
Electionline.org	<a href="http://electionline.org">http://electionline.org</a>
Election Updates blog	<a href="http://electionupdates.caltech.edu/blog.html">http://electionupdates.caltech.edu/blog.html</a>
Equal Vote blog	<a href="http://moritzlaw.osu.edu/blogs/tokaji/">http://moritzlaw.osu.edu/blogs/tokaji/</a>
Federal Elections Commission	<a href="http://www.fec.gov/">http://www.fec.gov/</a>
Georgetown Law Library's Find it Fast Guide to Election Law	<a href="http://www.ll.georgetown.edu/find/resource_display_subject.cfm?topic_id=133">http://www.ll.georgetown.edu/find/resource_display_subject.cfm?topic_id=133</a>
Initiative and Referendum Institute	<a href="http://www.iandrinstitute.org/">http://www.iandrinstitute.org/</a>
Library of Congress Election Law Guide	<a href="http://www.loc.gov/law/guide/elections.html">http://www.loc.gov/law/guide/elections.html</a>
National Association of Secretaries of State Election Officials Information	<a href="http://www.nass.org/electioninfo/state_contacts.htm">http://www.nass.org/electioninfo/state_contacts.htm</a>
Skeptic's Eye blog	<a href="http://www.skepticseye.com">http://www.skepticseye.com</a>
VoteLaw blog	<a href="http://www.votelaw.com/blog">http://www.votelaw.com/blog</a>
Wex entry on Election Law	<a href="http://www.law.cornell.edu/wex/index.php?title=Elections">http://www.law.cornell.edu/wex/index.php?title=Elections</a>
Wikipedia entry on Election Law	<a href="http://en.wikipedia.org/wiki/Election_law">http://en.wikipedia.org/wiki/Election_law</a>

# An Introduction to Federal Communications Law Sources

Sara Kelley, Reference Librarian, Georgetown University Law Library

Communications law is an intriguing field that affects each of us daily. What other area of administrative law deals with issues as diverse as broadcast wardrobe malfunctions and prepaid phone cards? But in spite of the subject's allure, it can be intimidating to research. To make the field more approachable, this article will provide a brief overview of the statutory and administrative sources of communications law, as well as tools for locating those sources. The focus of the article is on federal materials.

## The Statutes

The Federal Communications Commission (F.C.C.) was established by the Communications Act of 1934, ch. 652, Title I, § 1, 48 Stat. 1064 (1934). The F.C.C. was originally authorized to regulate interstate and foreign commerce in communications by wire and radio, but that authority has been broadened by numerous later statutes. According to its Web site, the F.C.C. is presently "charged with regulating interstate and international communications by radio, television, wire, satellite and cable."<sup>1</sup> Current federal communications law statutes are codified at 47 U.S.C. § 151 et seq. (2000).

## Regulations and Other F.C.C. Documents

F.C.C. regulations are codified in Title 47 of the Code of Federal Regulations (C.F.R.), which is revised every October. In addition to regulations, the F.C.C. rulemaking process generates at least two types of documents that have no exact equivalents in the rulemaking processes of other federal agencies: the Report & Order (R&O) and the Memorandum Opinion & Order (MO&O). The F.C.C. issues an R&O when a rulemaking proceeding results in new regulations or revisions to existing regulations. The R&O provides a detailed explanation of the F.C.C.'s decision to create or revise regulations, and is often significantly longer than the traditional regulation preamble. The F.C.C. issues an MO&O when a rulemaking proceeding results in a decision not to create or revise regulations.

Like R&Os, MO&Os can be quite lengthy.

Both R&Os and MO&Os are useful for interpreting ambiguous regulations, and they are essential for challenging F.C.C. rulemaking decisions in court. R&Os and MO&Os are not published in the *Federal Register*, but they are summarized there. The *Federal Register* summary of an R&O or MO&O includes a unique docket number for the rulemaking proceeding, which can be used to search for the full text of the document on the F.C.C.'s Web site or in various commercial databases. The F.C.C. also issues adjudicative decisions in enforcement actions (e.g., proceedings involving fines) and licensing proceedings. The official full-text source of R&Os, MO&Os, and F.C.C. adjudicative decisions is the *F.C.C. Record*, which is described in next section.

## Sources of F.C.C. Documents

The *F.C.C. Record* is a bi-weekly publication billed in its subtitle as "a comprehensive compilation of F.C.C. decisions, reports, public notices and other documents." It began publication in 1986. Its predecessor was a publication called *F.C.C. Reports*, whose two series (F.C.C.: 1936-1965, and F.C.C.2d: 1965-1986) compiled F.C.C. documents issued from 1936 until the start of the *F.C.C. Record* in 1986. *F.C.C. Reports* provided a cumulative index to every ten volumes; the *F.C.C. Record* provides a cumulative index to each volume, located in the last issue of that volume.

The *F.C.C. Record* and *F.C.C. Reports* are the only official full-text sources of F.C.C. adjudicative decisions, R&Os, and MO&Os. However, these documents are also available on the F.C.C.'s Web site (1996 – ), on Lexis (Legal > Area of Law – By Topic > Communications > Administrative Materials & Regulations > Federal > Federal Communications Commission Decisions; coverage: 1939 – ), on Westlaw (FCOM-FCC; coverage: 1965 – ), and in several other commercial services. The F.C.C.'s Web site has been described in a previous *Law*

*continued on page 12*

Communications law is an intriguing field that affects each of us daily. What other area of administrative law deals with issues as diverse as broadcast wardrobe malfunctions and prepaid phone cards?

*Library Lights* article,<sup>2</sup> and most readers will already be familiar with the workings of Lexis and Westlaw, so the rest of this article will describe several communications law loose-leaf services and their electronic equivalents.

The major loose-leaf service covering federal communications law is Pike & Fischer's *Communications Regulation* (1995 –). *Communications Regulation* replaced an earlier Pike & Fischer service called *Radio Regulation*, which ran for two series: *Radio Regulation First Series* (1948 – 1963) and *Radio Regulation Second Series* (1963 – 1995). *Communications Regulation* has four main parts: (1) the *Current Service*, (2) the *Digest*, (3) the *Cases*, and (4) the *Finding Aids/Master Index*.

The *Current Service* includes a *Statutes and Treaties* volume that reprints the text of federal statutes and international agreements relating to communications law. It also includes several volumes of F.C.C. rules and Notices of Proposed Rulemaking. The *Digest* provides summaries of F.C.C. decisions (including adjudicative decisions, R&Os, and MO&Os) and court cases about communications law. These summaries are arranged into a topical outline with classification numbers to make finding cases by subject easier. The topical outline is based on the structure of various federal statutes and F.C.C. regulations, and uses numbering from those statutes and regulations. For example, decisions interpreting section 613 of the Communications Act of 1934 (codified at 47 U.S.C. § 533) are summarized under topic number CA.613, while decisions interpreting 47 C.F.R. § 73.3555 are summarized under topic number 73.3555. The *Cases* volumes contain the full text of F.C.C. decisions (including R&Os and MO&Os from rulemaking proceedings) and court cases summarized in the *Digest* volumes. Finally, the *Finding Aids/Master Index* volume contains a subject index and several finding lists, including tables of decisions arranged by case name and by F.C.C. document number, and a list of current F.C.C. forms.

Not surprisingly, Pike & Fischer also offers a database called *Communications Regulation Online* at <http://commreg.pf.com/>. All of the cases, statutes, regulations, and administrative decisions available in the print version are also available in the electronic, with coverage beginning in 1964 for all resources except

statutes (only current statutes are provided). Unfortunately, the service's interface is a bit clunky. For example, when one document cites another, there is no link to the cited document, even when the cited document is available through the service. One useful aspect of *Communications Regulation Online* is that it provides PDF images of documents from the *F.C.C. Record* starting with the first volume (1986 –).

For those whose research is more narrowly focused on Internet issues, Pike & Fischer offers a separate service called *Internet Law & Regulation*. The materials available in *Internet Law & Regulation* are not limited to federal law sources. *Internet Law & Regulation* is divided into three parts: *Laws & Policy*, *Cases*, and *Digest*. The *Laws & Policy* volumes reprint the full text of primary materials related to Internet regulation, including U.S. federal statutes and regulations, representative U.S. state laws, European Union directives, selected non-U.S. statutes, and important non-governmental policy documents (for example, NIST/ISO standards and guidelines issued by non-governmental organizations). The last volume of *Laws & Policy* also includes a subject index to the entire service, including the *Digest*. The *Cases* volumes provide the full text of cases from U.S. federal and state courts, courts of other countries, decisions of U.S. federal agencies, and selected court pleadings from major cases. The *Digest* volumes provide summaries of the cases included in the *Cases* volumes, arranged into a topical outline with classification numbers. References to appropriate classification numbers can be found by using the subject index at the end of the *Law & Policy* volumes. *Internet Law & Regulation* is also available in an electronic version at <http://internetlaw.pf.com/>.

Finally, a company called Knowledge Mosaic offers *Communications Mosaic* (<http://www.knowledgemosaic.com/fcc>), an electronic-only service created in 2004 to compete with *Communications Regulation Online*. The content of *Communications Mosaic* is similar to that of *Communications Regulation Online*.

### Selected Treatises

Many communications law treatises focus on narrow areas of regulation such as radio and

Most communications law treatises focus on narrow areas of regulation such as radio and television broadcasting, cable or the Internet.

television broadcasting, cable or the Internet. However, at least two offer broader coverage. Matthew Bender publishes a multivolume treatise by Charles D. Ferris & Frank W. Lloyd, *Telecommunications Regulation: Cable, Broadcasting, Satellite and the Internet* (1998 – ). This loose-leaf treatise is updated twice per year, and is also available on Lexis (Legal > Area of Law – By Topic > Communications > Treatises & Analytical Materials > Matthew Bender(R) > Telecommunications Regulation: Cable, Broadcasting, Satellite, and the Internet). Law Journal Press offers the single volume loose-leaf treatise by Stuart N. Brotman called *Communications Law and Practice* (1995 – ). This briefer work is updated at least once and often twice per year.

## Conclusion

Although federal communications law research seems intimidating at first, most primary materials can be located in a few basic sources: the *F.C.C. Record*, Pike & Fischer's *Communications Regulation*, *Communications Mosaic*, and the F.C.C. decisions databases on Lexis and Westlaw. Once you are familiar with these sources, federal communications law research is a lot more manageable.

<sup>1</sup>About the F.C.C., <http://www.fcc.gov/aboutus.html> (last updated Feb. 20, 2007).

<sup>2</sup> Gloria Jean Thomas, "Point and Click: Introduction to Conducting Research at the Federal Communications Commission Web Page," *Law Library Lights*, Spring 2004, 19-22, [http://llsdc.org/lights/pdf/47\\_3.pdf](http://llsdc.org/lights/pdf/47_3.pdf). **LLL**

## EYE ON SERIALS

Susan Chinoransky, *The George Washington University Law Library*

### New Periodical Titles

- Criminal Law Brief*, 2006-  
Semiannual, American University,  
Washington College of Law
- Entrepreneurial Business Law Journal*, 2006-  
Semiannual, Ohio State University,  
Moritz College of Law
- Journal of Business & Technology Law*, 2006-  
Three issues yearly, University of  
Maryland School of Law
- Pittsburgh Journal of Environmental and Public  
Health Law*, 2006-  
University of Pittsburgh School of Law

### Title Changes

- Bulletin of International Legal Developments*,  
2006- Once every two weeks,  
British Institute of International and  
Comparative Law  
Continues: *Bulletin of Legal Developments*
- Journal of Forensic and Legal Medicine*, 2007-  
Eight issues yearly, Elsevier  
Continues: *Journal of Clinical Forensic Medicine*
- Pacific McGeorge Global Business & Development  
Law Journal*, 2006-  
Semiannual, University of the Pacific,  
McGeorge School of Law  
Continues: *Transnational Lawyer*

# National Criminal Background Checks: Myths, Realities & Resources

Jackie Walters, Technical Services Librarian (Temporary), Wiley Rein LLP

Anyone who has been asked to conduct a “national criminal background check” knows the sinking feeling that comes from facing the requestor’s confident assumption that such a request is reasonable, possible, inexpensive, and fast. When a Google search brings up dozens of hits containing words like comprehensive, instant results, free, and all 50 states, it is easy to see where that confident assumption comes from. Where to start to explain all the caveats, cautions, costs, and prohibitions?

## Seven facts contradict the myth that a national criminal background check is even possible:

■ **No central repository exists for federal, state, and local (i.e., county, parish, municipal, etc.) criminal records.**

■ **Not all states have automated systems for collecting data from reporting agencies and local jurisdictions.** As of December 31, 2003, 49 states, the District of Columbia, and Puerto Rico had automated criminal history information systems, but only 25 of these were fully automated. The content, accuracy, quality and timeliness of the data vary considerably among the states.

■ **No federal law imposes standards for collecting, indexing, searching, and using criminal record data.** Among the 50 states, standards vary for collecting the four types of criminal records —arrest, criminal court (federal, state and local), corrections (federal, state and local), and state criminal repository records.

■ **On-site searches can be costly.** Conducting an on-site county-level criminal court search in every location where an individual has lived for the previous seven years (the investigation industry’s standard time frame) could be prohibitively expensive.

■ **States are increasingly restricting personally identifying data in original public records.** Responding to concerns about privacy issues and

identity theft, states are passing laws restricting the inclusion of personally identifying data, such as birth dates and Social Security numbers, in public records. Researchers and commercial vendors will no longer be able to link data across record types (judgments, liens, tax, property, etc.) using personal identifiers to verify identity and establish relationships.

■ **A variety of federal and state privacy statutes limit permissible use of and/or access to data on individuals.** Any end user can purchase a search from a proprietary vendor or a government-maintained Web site. However, users are responsible for using the data in accordance with permissible purposes as defined by several federal statutes, notably the Fair Credit Reporting Act (FCRA) (15 USC § 1681), the Gramm-Leach-Bliley Act (15 USC §§ 6801-6809), the Driver’s Privacy Protection Act of 1994 (18 USC §§ 2721-2725), the Privacy Act of 1974 (5 USC § 552a), and corresponding state statutes. The most commonly-listed permissible purposes are pre-employment screening, consumer-driven transactions, fraud detection, and law enforcement. To insure compliance, some companies, such as ChoicePoint and Accurint (Lexis), credential end users for certain products before issuing a subscriber agreement.

■ **So-called “national” databases are inaccessible to non-governmental users.** The National Crime Information Center (<http://www.fbi.gov/hq/cjisd/ncic.htm>) is maintained by the FBI and limited by federal law to law enforcement agencies. Similarly, the National Instant Criminal Background Check System (<http://www.fbi.gov/hq/cjisd/nics/nicsindex.htm>) is also maintained by the FBI to provide information on people desiring to purchase firearms. Access is restricted to agencies authorized by the FBI.

## Steps & resources for conducting a “national” criminal background search

1. *Get as much information as possible on the subject and try to ascertain the permissible use.*

Anyone who has been asked to conduct a “national criminal background check” knows the sinking feeling that comes from facing the requestor’s confident assumption that such a request is reasonable, possible, inexpensive, and fast.

The essential first step in any background investigation is to find the right person. Start with name (including middle name or initial, aliases, maiden, alternate spellings, and nicknames), date of birth, Social Security Number, any known addresses, names of family members, occupation, even skills and hobbies.

**2. Find the right person and their addresses for at least the last seven years.** Before searching criminal records, know who you are looking for. A good standard is to have at least two “unique identifiers,” one of which should be a date of birth.

Unless you have reason to believe the individual has moved around, searching by state may be most efficient and cost-effective. While the combined public records databases in Lexis and Westlaw make broad searching efficient and relatively inexpensive, many factors—a common name, lack of unique identifiers, variable spellings, etc.—could produce results that are time-consuming to sort and may not identify the right person. Taking the time to find the most suitable database may save time and money, as could consulting the Information and Scope notes to ascertain what data is included and what restrictions apply. Restrictions can include statutory prohibitions on updating files with current data (military locator and motor vehicle records, for example). Depending on one’s permissible use, certain sources may not be made available for the search (voter registration or motor vehicle records, for example).

Lexis and Westlaw products produce comprehensive reports that compile data from multiple sources and use unique identifiers to link an individual to various types of available data, such as adverse filings, real property records, and motor vehicle and drivers’ license records. Westlaw’s Person Profile Report (P-PROFILE) is intended to be “an inclusive and comprehensive starting point” for compiling information on a person. Transactional pricing applies; a name search is \$35, which is then applied to the \$75 for a Profile Report if one is ordered. LexisNexis® SmartLinx™ is accessible under the Public Records tab. A full comprehensive report costs \$105 (see <http://www.lexisnexis.com/literature/pdfs/LO17161-0.pdf> for a sample report) Since these resources all contain non-public data, they require permissible-use designations.

Other one-stop sources for personal information reports include Accurint and ChoicePoint.

Accurint®, a LexisNexis product that requires a separate subscriber agreement, uses public records and non-public information to compile information on individuals, including linking them to businesses and workplaces, in a variety of report formats. A comprehensive report costs \$15. AutoTrackXP®, a product of ChoicePoint, Inc., requires that subscribers (including law firms) be credentialed. AutoTrackXP has a Web-based public records search tool that retrieves an immediate report and on-demand searching, for which ChoicePoint assigns an investigator to conduct on-site searching in a particular jurisdiction (for a sample report, see ([http://www.choicepoint.com/sample\\_rpts/AutoTrackXP.pdf](http://www.choicepoint.com/sample_rpts/AutoTrackXP.pdf))).

**3. Search criminal records resources.** Professional investigators start locally and expand globally. Going back through seven years of addresses is the industry standard for professional investors. A good starting point is to search criminal dockets through Lexis or Westlaw, CourtLink or CourtExpress, Legal Dockets Online, or the U.S. Party/Case Index on PACER. On a nationwide basis, these resources cover all but a few federal courts, many state courts and some local courts. Coverage varies by vendor.

### **Good Web sites for locating Web-based resources include the following:**

#### **■ VirtualChase.com**

(<http://www.virtualchase.com>), maintained by the law firm of Ballard Spahr Andrews & Ingersoll LLP, has descriptions and links to free online resources for public records and criminal records research.

#### **■ SearchSystems.net**

(<http://www.SearchSystems.net>) organizes public records by topic and jurisdiction. Within those areas, it provides free access to information about public records resources. Users may subscribe to SearchSystems Premium service or DirectPass to pay for information from those sources charging fees. This site is a good place to look to see what coverage is available. Delving into Birth and Marriage records, for example, reveals that, for many counties available, the records stop before the mid-20th century.

#### **■ Public Record Sources**

(<http://www.publicrecordsources.com/>), powered by BRB Publications, provides a comprehensive list of free public record sites, including

**The essential first step in any background investigation is to find the right person. Start with name...date of birth, Social Security Number, any known addresses, names of family members, occupation, even skills and hobbies.**

*continued on page 16*

## National Criminal Background Checks

*continued from page 15*

those for finding criminal records. Entries are specific and often include information about the source, including fees for access and/or reports, search tips, date coverage, etc.

■ **Public Records Online Searches** (<http://www.publicrecords.onlinesearches.com>) is a source for locating public records of all kinds at the national and state level. Although this directory is free, the listed resources may not be.

To be comprehensive, a researcher should search resources from more than one directory. Although the distinction appears to be that Public Records Sources is a directory of free sites and Public Records Online Searches is a directory that includes fee-based sites, limiting a search based on that distinction has misleading results. For example, Cambria County, PA does not appear in the Pennsylvania listing under Public Record Sources, but it does under Public Records Online Searches—with access to information on the inmate population, a sex offender registry, and court dockets, some of which appears to be free to the public.

Vendors like Legal Dockets Online, Lexis, and Westlaw sell the convenience and efficiency of conducting broad searches across several types of criminal records. Dozens of Web-based proprietary vendors purport to provide nationwide or worldwide comprehensive searches through public records and to use the same records government agencies use. The truth is that there are a few commercial data aggregators compiling data from public records (without editing) and selling that data to proprietary vendors as well as to government agencies. Many databases maintained by government agencies are now posted on the Internet and are accessible to the public for no or little cost. Wherever it lodges, the data is often suspect for a variety of reasons, may not provide timely or accurate information on an individual, and is subject to statutory restrictions on use. There is a trade organization for the public records industry that sets professional standards and ethics for members: the Public Record Retriever Network (PRRN). A source for finding record vendors, including PRRN members, is <http://www.brbpub.com>.

Numerous government and commercial resources are available for finding criminal record information:

### ■ Federal Bureau of Investigation

(<http://www.fbi.gov>)—In the Crimes Against Children portion of its Web site, the FBI maintains a link to all available state sex offender registries: (<http://www.fbi.gov/hq/cid/cac/states.htm>).

There is a link to the National Sex Offender Public Registry (NSOPR)—(<http://www.nsopr.gov/>)—maintained by the U.S. Department of Justice. FBI “most-wanted” information is at (<http://www.fbi.gov/wanted.htm>).

### ■ Federal Bureau of Prisons

([www.bop.gov](http://www.bop.gov))—Maintains an inmate locator for inmates of federal prisons incarcerated from 1982 to the present as well as pre-sentenced offenders from the U.S. Marshal’s Service and the U.S. Immigration and Naturalization Service.

### ■ U.S. Marshals Service

(<http://www.usmarshals.gov>)—Includes lists of most-wanted and captured fugitives.

### ■ Drug Enforcement Administration

(<http://www.dea.gov>)—Contains information on crimes involving controlled substances, including the DEA’s most wanted fugitives and criminal cases against doctors.

■ **Office of Foreign Assets Control, U.S. Treasury Department**—Publishes a list of Specially Designated Nationals (SDNs) and Blocked Persons (<http://www.treasury.gov/offices/enforcement/ofac/sdn/>), including countries, individuals, and organizations whom the U.S. government believes are engaged in terrorism, international narcotics trafficking, or providing weapons of mass destruction.

■ **VINE (Victim Information and Notification Everyday)** ([www.vinelink.com](http://www.vinelink.com))—A free service funded and provided by local and state agencies for the purpose of notifying victims of crimes of the current custody status of their offender.

### ■ Legal Dockets Online

(<http://www.legaldockets.com/>)—A portal to criminal records, this site claims to link to “all available sources for inmate, booking, war-

rant, most-wanted and sex offender registries and maps.”

■ **Lexis**—The FINDER/CRIMNL database contains selected criminal record data from 37 states, in many cases back to the year 2000. For some states, researchers must conduct searches using specific criteria in order to retrieve information on an individual. The FINDER/INMATE combined file contains inmate information from five states. The GENFED/MILITRY file contains cases from the United States Court of Appeals for the Armed Forces and the Courts of Criminal Appeals for the Air Force, Army, Coast Guard, and Navy-Marine Corps from June 1951.

■ **Westlaw**—The CRIM-ALL database contains records derived from U.S. District Court filings, state repository information (Departments of Corrections and Public Safety), state court filings, the U.S. Office of Foreign Assets Control, and sex offender registries. Data from 41 states and the District of Columbia are included, but not all jurisdictions provide all types of data. ARREST-ALL contains arrest data from county-level reporting agencies, for those counties and states reporting data. CRIM-FED contains U.S. district court criminal docket information from all but five states, Guam, the Virgin Islands and the Northern Mariana Islands. Usually, the data is updated within 45 days. The combined Sex Offender Registry file is CRIM-SOR.

## Conclusions

1. Proprietary fee-based databases offer geographical breadth at reasonable cost to criminal records research that would be time-consuming and prohibitively expensive using local, on-site research.

2. Online searches and on-site research risk missing information for a variety of reasons, and the industry standard maintains there is no substitute for searching court records at the local level. The diligent researcher will pursue every available avenue to search down to the lowest possible local level in conducting criminal background searches—and will recognize there still can be no guarantee of 100% certainty.

3. Given the inconsistency of data collection among and between local and state jurisdictions, varying standards for updating data and for in-

sureing its accuracy, the lack of any standard for collecting information on criminal offenses, and increasing restrictions imposed on information in public records by jurisdictions concerned about privacy rights, a nationwide criminal records search remains a goal, not a given.

## Suggestions for Further Reading

Bureau of Justice Statistics. “*Improving Criminal History Records for Background Checks.*” July 2006.

<http://www.ojp.usdoj.gov/bjs/pub/pdf/ichrbc05.pdf>

Ernst, Carl R. and Les Rosen. “*National’ Criminal History Databases: Issues and Opportunities in Pre-employment Screening.*”

November 26, 2002

<http://www.brpub.com/CriminalHistoryDB.pdf>

Peterson, Lynn. “*Navigating the Maze of Criminal Records Retrieval—Updated.*” June 1, 2001.

<http://www.llrx.com/features/criminal2.htm>

Peterson, Lynn. “*Not All Criminal Records Checks Are Created Equal.*” 2005.

[http://www.virtualchase.com/articles/criminal\\_checks.html](http://www.virtualchase.com/articles/criminal_checks.html)

Sankey, Mike. “*Be Aware of the Shortcomings of State Criminal Record Repositories.*” 2005.

[http://www.virtualchase.com/articles/criminal\\_repositories.html](http://www.virtualchase.com/articles/criminal_repositories.html)

Tyburnski, Genie. “How To Conduct a Background Check.” Part 1, originally published in *Law Office Computing* (October/November 2004) under the title, “Background Checks Online.”

[http://www.virtualchase.com/articles/background\\_checks.html](http://www.virtualchase.com/articles/background_checks.html).

Also Part 2, originally published in *Law Office Computing* (December/January 2005) under the title, “Hide and Go Seek.”

[http://www.virtualchase.com/articles/background\\_checks\\_part2.html](http://www.virtualchase.com/articles/background_checks_part2.html).

Tyburnski, Genie. “To Catch a Thief.” Originally published by *Law Office Computing* (December/January 2004) under the title “It’s Criminal.”

[http://www.virtualchase.com/articles/criminal\\_records.html](http://www.virtualchase.com/articles/criminal_records.html).

## Privacy Organization Web Sites

American Civil Liberties Union:

<http://www.aclu.org>

Electronic Privacy Information Center (EPIC):

<http://www.epic.org>

Privacy Rights Clearinghouse:

<http://www.privacyrights.org> **LLL**

# Federal Government Contracts Research Guide

Ellen M. Callinan, Principal, Callinan the Librarian and Adjunct Professor,  
Georgetown University Law Center and Marielena Fina, Legal and Business Research Librarian

## Introduction to Government Contracts

The federal government is one of the largest consumers of goods and services in the United States. To manage all its acquisitions, including the purchase and leasing of real estate, the federal government has devised a complex statutory and regulatory system which, according to some historians, dates back to the colonial era. Along the way, many changes have transformed the federal procurement system to reflect realities, such as the aftermath of 9/11. From its inception, however, the objective of the federal acquisition system has ranged from stimulating the economy to curbing fraud, abuse, and cronyism in the formation, administration, and satisfaction of procurement contracts.

Research in government contracts is complex, and to understand the complexities, one must understand the intersection of government contract law with many other areas of substantive law, including labor and employment, constitutional law, the environment, privacy protection, financing, accounting, auditing, and criminal law (fraud/quid tam).

In order to add something new to the existing universe of government contracts research guides, this article uses the JUST ASK model Ellen developed fifteen years ago for Georgetown's summer associate program. For a more traditional research guide, see Matthew Mantel's Government Contracts Research Guide (<http://www.law.gwu.edu/NR/rdonlyres/8D758708-3151-44E6-98F5-4195B111B3FE/O/GovtK06.pdf>) on the George Washington University Law School Web site.

## The JUST ASK Approach in Government Contracts Research

### Understanding JUST ASK

JUST ASK is a mnemonic device that represents seven pieces of information researchers should collect before beginning any research project. We'll apply these concepts to government contracts research. The mnemonic stands for:

- Jurisdiction
- Useful Tips
- Scope of Research
- Terms of Art
- Acronyms
- Sources
- Key Cost Constraints

### Jurisdiction

Understanding jurisdiction in government contracts is critical to effective research. The first step in selecting the correct sources is to know whether your problem involves contract formation, administration, or a contract dispute. Jurisdiction flows from these distinctions, and research follows the resulting distinct paths.

Secondary sources provide newcomers with an overview of these jurisdictional fault lines. Commercial and free web sources include:

- Arnavas, Donald P. *Government Contract Guidebook*. 3rd ed. St Paul, MN: West Group, 2001.
- Keyes, W. Noel. *Government Contracts in a Nutshell*. St. Paul, MN: West Group, 2000.
- McBride, John Cosgrove, et al., *Government Contracts: Cyclopedic Guide to Law Administration and Procedure*. New York: Matthew Bender, 1962- .
- McCullough, James J., Catherine E. Pollack, and Steven Alerding. "Bid Protest Practice in the Court of Federal Claims." *Briefing Papers Second Series*. September 2000.
- Miccioli, Gloria. "Web-Based Government Contracts Research." (<http://www.llrx.com/features/govcon.htm>)
- Solomonson, Matthew H. and Jeffrey L. Handwerker. "Subcontractor Challenges to

Research in government contracts is complex, and to understand the complexities, one must understand the intersection of government contract law with many other areas of substantive law.

Federal Agency Procurement Actions.” *Briefing Papers Second Series*. February 2006.

- Vacketta, Carl Lee. *Federal Government Contract Overview*. (<http://library.findlaw.com/1999/Jan/1/241470.html>)

### Useful Tips

An efficient researcher does not reinvent the wheel. At a firm specializing in government contracts research, researchers should start with the in-house experts who can provide a quick overview of the issue and possible research avenues. If in-house experts are not available, it is worth a visit to the Web sites of the well-known government contracts firms (see page 21-22 for list of firms).

Other sources, including bar associations and universities, e.g., American Bar Association Government Contracts Section (<http://www.abanet.org/contract/home.html>), the Federal Bar Association Government Contracts Section ([http://www.fedbar.org/govtcontracts\\_section.html](http://www.fedbar.org/govtcontracts_section.html)), George Washington University (<http://www.law.gwu.edu/Academics/Master+of+Laws+Degree/Government+Procurement+Law.htm>), and Florida Atlantic University (<http://www.fau.edu/pprc/>), offer tips for practitioners, CLE materials and analysis to help establish the parameters of a project. Likewise, Web sites of trade associations and other publications related to the industries involved in government contracting are a rich source of information. Examples include:

*Defense News*—

<http://www.defensenews.com/index.php>

*Defense Industry Daily*—

<http://www.defenseindustrydaily.com>

(a newspaper for defense contractors)

Federal Acquisitions Institute—

<http://www.fai.gov/policies/sturep.asp>

Government Electronics and Information Technology Association—

<http://www.geia.org>

*National Defense Magazine*—

<http://www.nationaldefensemagazine.org>

National Institute of Governmental

Purchasing— <http://www.nigp.org>

### Scope of Research

Do not underestimate the importance of knowing the parameters of a project. The first source of sample research projects should be the firm's internal collection of work product. The following sources also provide examples of finished research projects, including articles and samples briefs and memos:

*Briefing Papers*. St Paul MN: West Group (also available online)

*Public Contract Law Journal*. Chicago: Section of Public Contract Law, American Bar Association (also available online)

*Military Law Review*. Charlottesville, VA: Judge Advocate General's School. (also available online)

*Journal of Public Procurement*. Boca Raton, FL: Florida Atlantic University. (also available online)

*The Procurement Lawyer* (Cyrus Phillips)

<http://www.procurement-lawyer.com/briefs.htm>

Mayer Brown's Appellate.net Government Contracts documents —

<http://www.appellate.net/briefs/briefsbysubject.asp#sm191>

(sample briefs)

### Terms of Art/Acronyms

The language of government contracting is unique and full of acronyms. Thus, few research practices are as important as knowing the terms of art. The following tools are excellent and a must in a researcher's tool kit:

Nash, Ralph C., Steven Schooner, and Karen O'Brien. *The Government Contracts Reference Book: A Comprehensive Guide to the Language of Procurement*, 2nd ed. Washington, D.C.: George Washington University, 1998.

Tobin, Patricia A., et al. *Acronyms and Abbreviations in Government Contracting* 2nd ed. Washington, D.C.: George Washington University, 1997.

Keyes, W. Noel. *Encyclopedic Dictionary of Contract and Procurement Law*. New York: Oceana Publications, Inc., 1992.

Defense Acquisition University. *Defense Acquisition Acronyms and Terms*, 12th Edition. July 2005.

<http://www.dau.mil/pubs/glossary/preface.asp>

Defence Acquisition University. *Defense Glossary and Acronym Sources*. <http://deskbook.dau.mil/jsp/AkssPage.jsp?Name=../jsp/glossarydet.jsp&title=Glossary>

### Sources

Knowing both primary and secondary sources of the law is paramount in understanding the underlying connections among statutes, regulations, directives, agency operating manuals, and other documents that could be involved. The following sections list notable secondary and primary

*continued on page 20*

sources. More exhaustive lists are available on Procurement & Government Contract Law Resources Web site ([http://www.law.gwu.edu/Burns/Research/govtk/govcon\\_resources/intro\\_govk\\_resources.htm](http://www.law.gwu.edu/Burns/Research/govtk/govcon_resources/intro_govk_resources.htm)).

### Secondary Sources

If the research project involves regulatory research prior to the major overhaul of the procurement regulations in 1984, the print version of the *CCH Government Contract Reporter (GCR)*, now discontinued, remains an invaluable tool. The *GCR* is particularly useful for its DAR-FAR indexing and cross-reference tables.

For up-to-date information, the CCH Government Contracts Library online is considered the gold standard with its detail explanations and the full text of decisions, statutes and regulations. This source can be found as part of the CCH Internet Research Network and in Lexis.

Authoritative government contracts treatises include *Formation of Government Contracts*, 3rd ed. and *Administration of Government Contracts*, now in its 4th edition. Both titles are published by CCH. *Administration of Government Contracts* covers disputes, the assignment of claims, and the role of alternative dispute resolution in resolving government contracts issues after 1996. This treatise also covers the jurisdictional basis for the Federal Claims Court and the federal district courts to hear challenges to government contracts controversies and appeals, as well as the role of the agencies in resolving contract disputes, including the most recent restructuring to that system.

The *Thomson West Briefing Papers* series, available in print or on Westlaw, offers in-depth analysis of discrete topics. As part of the series, Thomson also publishes two annual issues, one with bibliographic entries and one covering the latest substantive developments on procurement.

### Additional Secondary Sources Include:

- Bedingfield, James P. and Louis I. Rosen. *Government Contract Accounting*. 2nd ed. Washington, D.C.: Federal Publications, Inc., 1985.
- Bednar, Richard D., et al. *Construction Contracting*. Washington, D.C.: George Washington University, 1991.

- Boese, John T. Qui Tam: *Beyond Government Contracts*. New York, NY: Practicing Law Institute, 1993.
- Nash, Ralph C. Jr. *Government Contract Changes*. 2nd ed. Washington, D.C.: George Washington University, 1991- .
- Peckinpugh, Carl J. *Government Contracts for Services: The Handbook of Acquisition Professionals*. Chicago: American Bar Association Section of Public Contract Law, 1997.
- Rudland, William. *Defective Pricing*. Cleveland, OH: Federal Contracting Press, 1990.
- Seyfarth Shaw LLP. *The Government Contract Compliance Handbook*. 4th ed. Cleveland, OH: Federal Publications, Inc., 2006.
- Shnitzer, Paul. *Government Contract Bidding*. 3rd ed. Cleveland, OH: Federal Publications, Inc., 1987, 1991 supplement.
- Steiger, Norman A. *Federal Contract Management: A Manual for the Contract Professional*. New York, NY: Matthew Bender, 1982-.
- Touhey, Thomas J. *Government Contracts: Cyclopedic Guide to Law, Administration, Procedure*. New York, NY: Matthew Bender, 1990-.

### Primary Sources

There are several government contracts research Web portals that provide links to relevant court and tribunal sites, statutes, regulations, and other agency materials. These Web sites are useful for retrieving the full text of relevant sources quickly and inexpensively.

Acquisition Central  
<http://acquisition.gov/>

The Federal Acquisition Jumpstation  
<http://prod.nais.nasa.gov/pub/fedproc/home.html>

Where in Government Contracting  
<http://www.wifcon.com/>

### Statutes

GPO Access  
<http://www.gpoaccess.gov/uscode/index.html>  
 and the following Web sites offer links to the unannotated U.S. Code:

- Government Contracts at Cornell's Legal Information Institute ([http://www.law.cornell.edu/wex/index.php/Government\\_contracts](http://www.law.cornell.edu/wex/index.php/Government_contracts))

Government Contracts Laws at Findlaw [http://www.findlaw.com/Oltopics/18govcontracts/gov\\_laws.html](http://www.findlaw.com/Oltopics/18govcontracts/gov_laws.html)

Where in Government Contracting  
<http://www.wifcon.com/legislat.htm>

Lexis and Westlaw offer the annotated versions of the code with significant editorial enhancements. The print and online versions of the *U.S. Code Congressional and Administrative News (USCCAN)* also provide the text of the statutes and tables, and cross index citations from the Statutes at Large to their codified versions and applicable regulations.

### Regulations

Government contracts are heavily regulated; thus researchers must be comfortable researching procurement regulations and assembling administrative histories. Knowing how to find the *Federal Register (FR)* and the *Code of Federal Regulations (CFR)*, and understanding how they both fit in the puzzle, will go a long way to tackling a question. The *Federal Register* and the *CFR* are available in Westlaw and Lexis and in government Web sites such as:

The Federal Acquisition Regulation,  
Acquisition Central  
<http://acquisition.gov/far/index.html>

The FARSite <http://farsite.hill.af.mil/>

If you are asked to research regulations from the 1950's through the 1980's, the most complete online source is HeinOnline, which includes both the *Federal Register (FR)* and much of the *Code of Federal Regulations (CFR)* dating back to their inception. Old issues of both the *FR* and the *CFR* are also available in microfiche in many libraries, particularly in government depository libraries.

### Cases

To retrieve known decisions, consider these free Internet collections:

PubKL  
<http://www.pubklaw.com/decisions.html>

Court and Agency Documents,  
*The Government Contracts Law Report*  
<http://www.attny.com/fradecis.html>

Otherwise, use Lexis, Westlaw, and the CCH Internet Research Network to search for cases.

### Key Cost Constraints

Cost-benefit analysis is a must to develop a plan for mixing free and fee sources. In general, for current matters, the free Web sites save money when you need copies of specific documents and possess enough bibliographic data to retrieve them from the original court Web site or other government source. If the lure of Google is irresistible, limit your review of the search results to a set number of screens or minutes, then extract the best terms and citations, and use them to streamline your research in commercial sources. Finally, do not underestimate the power of a phone call to an appropriate executive agency to cut down research time.

### Insider Tip From Government Contracts Research Pros

Law firms that specialize in government contracts post incredibly useful documents on their Web sites. Librarians who perform government contracts research frequently troll these sites for recent decisions, sample briefs, and current analytical material such as client alerts.

*The following list links to the government contracts practice pages on major firm Web sites:*

Akerman Senterfitt  
<http://www.akerman.com/public/practice/pDescr.asp?id=127>

Arent Fox LLP  
<http://www.arentfox.com/practices/govcontracts/>

Arnold & Porter LLP  
[http://www.arnoldporter.com/practice.cfm?practice\\_id=7](http://www.arnoldporter.com/practice.cfm?practice_id=7)

Crowell & Moring LLP  
<http://www.crowell.com/PracticeAreas/PracticeArea.aspx?id=31>

DLA Piper US LLP  
<http://www.dlapiper.com/us/services/detail.aspx?service=b0602e2f-198a-4283-91bc-1163fc7d339>

Fried, Frank, Harris, Shriver & Jacobson LLP  
[http://www.ffhsj.com/practice\\_groups/gov\\_contracts.htm](http://www.ffhsj.com/practice_groups/gov_contracts.htm)

Gibson, Dunn & Crutcher LLP  
<http://www.gibsondunn.com/practices/detail/id/621>

Hogan & Hartson LLP  
<http://www.hhlaw.com/governmentcontracts/>

Holland & Knight LLP  
<http://www.hklaw.com/Practice/group.asp?ID=37>

*continued on page 22*

Jenner & Block LLP [http://www.jenner.com/practice/practice\\_detail.asp?ID=37](http://www.jenner.com/practice/practice_detail.asp?ID=37)

K&L Gates LLP <http://www.klgates.com/practices/ServiceDetail.aspx?service=24>

Mayer, Brown, Rowe & Maw LLP  
<http://www.mayerbrownrowe.com/governmentcontracts/>

McKenna Long & Aldridge LLP <http://www.mckennalong.com/practices-1.html>

Miller & Chevalier Chartered <http://www.millerchevalier.com/governmentcontracts/>

Morrison & Foerster LLP  
<http://www.mofo.com/practice/practice/governmentcontracts/overview/overview.html>

Pepper Hamilton LLP [http://www.pepperlaw.com/pepper/practice\\_show.cfm?rid=24.0](http://www.pepperlaw.com/pepper/practice_show.cfm?rid=24.0)

Perkins Coie LLP [http://www.perkinscoie.com/government\\_contracts/](http://www.perkinscoie.com/government_contracts/)

Pillsbury Winthrop Shaw Pittman, LLP  
<http://www.pillsburylaw.com/bv/bvisapi.dll/portal/ep/paDetail.do/pa/1608>

Powell Goldstein LLP <http://www.pogolaw.com/areas-profile-364.html>

Reed Smith LLP  
[http://www.reedsmith.com/practice\\_areas.cfm?widCall=customWidgets.content\\_view\\_1&cit\\_id=6886&cta\\_tax\\_id=153](http://www.reedsmith.com/practice_areas.cfm?widCall=customWidgets.content_view_1&cit_id=6886&cta_tax_id=153)

Seyfarth Shaw LLP  
[http://www.seyfarth.com/index.cfm/fuseaction/practice\\_area.practice\\_area\\_detail/object\\_id/ca4058bd-cac0-4156-b5b5-3c5cd7a5e701/GovernmentContracts.cfm](http://www.seyfarth.com/index.cfm/fuseaction/practice_area.practice_area_detail/object_id/ca4058bd-cac0-4156-b5b5-3c5cd7a5e701/GovernmentContracts.cfm)

Spriggs & Hollingsworth  
[http://www.spriggs.com/practice\\_areas/index.cfm?fuseaction=dis\\_pa&pa\\_id=6](http://www.spriggs.com/practice_areas/index.cfm?fuseaction=dis_pa&pa_id=6)

Stephoe & Johnson LLP <http://www.stephoe.com/practices-41.html>

Thelen Reid Brown Raysman & Steiner LLP  
[http://www.thelenreid.com/index.cfm?section=practice&practice\\_id=2881&parent\\_id=2900](http://www.thelenreid.com/index.cfm?section=practice&practice_id=2881&parent_id=2900)

Thompson Coburn LLP  
[http://thompsoncoburn.com/Firm\\_Information/Practice\\_Areas/Government\\_Contracts/index.aspx](http://thompsoncoburn.com/Firm_Information/Practice_Areas/Government_Contracts/index.aspx)

Venable LLP [http://www.venable.com/practice.cfm?action=view&practice\\_id=202](http://www.venable.com/practice.cfm?action=view&practice_id=202)

Vinson & Elkins LLP  
[http://www.vinson-elkins.com/practices/practices\\_detail.asp?pracid=000320817701&grpId=000320815701](http://www.vinson-elkins.com/practices/practices_detail.asp?pracid=000320817701&grpId=000320815701)

Watt, Tieder, Hoffar & Fitzgerald, L.L.P.  
<http://www.wthf.com/practices-detail.php?headline=Government+Contracts+Law>

Wiley, Rein LLP [http://www.wileyrein.com/practice.cfm?practice\\_id=19](http://www.wileyrein.com/practice.cfm?practice_id=19)

Womble Carlyle Sandridge & Rice <http://www.wcsr.com/default.asp?id=194&objId=4>

# A Guide to Resources Concerning International Development Banks, with a Particular Focus on the World Bank Group

Laura Lalime-Mowry, Information Analyst  
and Christian Tomás, Information Assistant,  
World Bank Law Library

Does the citation 22 U.S.C. §§282-290 ring a bell with you? Have a look and you will see the U.S. law pertaining to the relationship between the United States and several international organizations, including international development banks.

International organizations generally do not fit the mold of either U.S. government agencies or large corporations. Depending upon their purpose and scope of operations, international agencies like the United Nations (UN) and the International Committee of the Red Cross (ICRC) receive their mandate from the international community. The sources of the mandates are very often international treaties or conventions.

Development banks are one type of international organization. Although you may have heard of the International Bank for Reconstruction and Development (IBRD), Asian Development Bank (ADB), European Bank for Reconstruction and Development (EBRD), Inter-American Development Bank (IADB), and African Development Bank (ADB), how much do you really know?

What are these agencies? What is their mission? Where are they incorporated? How are they organized and governed? How can researchers find documentation regarding development banks' operations? To answer some of these questions, we will focus on the World Bank Group, headquartered in Washington, D.C., as an example.

## Establishment, Mission, and Governance

Most international organizations operate under establishment agreements, which are considered to be treaties. The agreements are drawn up and ratified by various nations. The terminology used for these agreements varies from "articles of agreement" or "convention establishing" to

"charter" or some similar phrase. Many are included in the United Nations Treaty Collection database (<http://untreaty.un.org/>). These documents outline the conditions of membership, general principles of organization, management, and operations of the organization.

After signing the establishment agreement, member countries pass legislation or ratification instruments to enact the treaty or convention. U.S. ratification instruments for several of these agencies are codified at 22 U.S.C. 282-290.

To find the documents governing a particular development bank or other international organization, check out the agency's Web site. Many development banks have very advanced Web sites with excellent documentation available, sometimes in more than one language. Each development bank will have its own mission statement and focus for lending listed on its Web page. For example, while the International Bank for Reconstruction and Development (also known as the World Bank) works globally, regional agencies like the African, Asian, European, and Inter-American Development Banks focus on particular parts of the world.

In general, the establishment agreements, organizational structures, and membership are included in the "About Us" portion or its equivalent on a Web page. Links to databases of reports and publications, as well as project information, are usually very obvious. On the other hand, looking for actual loan documentation is sometimes more difficult, as coverage varies by agency, date, and the public disclosure policies.

## The World Bank Group

Since the 1940s, the World Bank Group has helped nations rebuild following periods of war and provided developing economies with financial and technical aid. More recently, the Bank has also focused on topics such as anti-corruption, the rule of law, and the legal empowerment of the poor.

The World Bank Group is made up of five agencies: the International Bank for Reconstruction and Development (IBRD), the

*continued on page 24*

International organizations generally do not fit the mold of either U.S. government agencies or large corporations.

## A Guide to Resources Concerning International Development Banks

*continued from page 23*

International Development Association (IDA), the International Finance Corporation (IFC), the Multilateral Investment Guarantee Agency (MIGA), and the International Centre for the Settlement of Investment Disputes (ICSID). While they are all part of the World Bank Group, each of these agencies has its own establishment agreement.

Like other international organizations, World Bank agencies are not incorporated or organized under the laws of any particular jurisdiction. The Bank's loan and guarantee agreements with its members are international agreements governed by international law. Because of their character as international agreements, loan and guarantee agreements made between the Bank and those members who are also members of the United Nations are registered with the Secretariat of the United Nations in accordance with the provisions of Article 102 of the United Nation's Charter and its regulations. Loan and guarantee agreements concluded with members of the Bank who are not members of the United Nations are submitted to the Secretariat for filing and recording pursuant to Article 10 of the United Nation's regulations.

### **IBRD (<http://www.worldbank.org/>)**

The International Bank for Reconstruction and Development (IBRD) serves middle-income countries through capital investment and advisory services, thereby promoting sustainable development to reduce poverty. The IBRD derives most of its funds through financial markets.

Under the "Projects & Operations" tab on the Web site, you will find a searchable database of project documentation, links to the latest project initiatives, as well as policies and procedures used by the Bank. The policies and procedures section features the Operational Manual, which sets out the rules used by the Bank to ensure that projects are economically, financially, socially and environmentally sound.

The most recent publicly-available loan agreements are indexed under "Publications" in the "Documents & Reports" database. For older agreements, check the United Nations Treaty Collection Database (<http://www.untreaty.org/>). Each of the agreements providing for loans is governed by the General Conditions Applicable to Loans and Guarantees.

The General Conditions provide for the validity and enforceability of loan agreements, as well as for arbitration in event of a dispute. The "Law and Development" Web page (<http://www.worldbank.org/legal>) assists the user in locating the General Conditions for Loans; it also provides information on the World Bank's safeguard policies and the World-wide Legal and Judicial Indicators database.

Researchers with a need for international statistics may also find helpful resources. The World Bank Web site includes links under "Data & Research" to several key sources for statistics prepared by the IBRD, including the *World Development Indicators* and *World Development Reports*.

### **IDA (<http://www.worldbank.org/ida>)**

Sharing the same staff and headquarters as the IBRD, IDA provides interest-free loans and grants for programs in the poorest countries. IDA lends money (known as credits) on terms with no interest charge. Repayments are spread over 35 to 40 years. Loans are governed by the IDA General Conditions for Loans, which are located on the World Bank's "Law and Development" Web page (<http://www.worldbank.org/legal>).

Most of IDA's funding comes through "replenishments," which are contributions from the governments of the richer member countries determined every three years. The most recent replenishment, IDA14, was issued in February 2005.

### **IFC (<http://www.ifc.org/>)**

Dedicated to promoting sustainable private sector development in developing economies, the IFC encourages the growth of productive enterprise and efficient capital markets through various products and services. More information is located on the IFC "About Use" Web page ([http://www.ifc.org/ifcext/about.nsf/Content/Products\\_Services](http://www.ifc.org/ifcext/about.nsf/Content/Products_Services)).

### **MIGA (<http://www.miga.org/>)**

MIGA promotes foreign direct investment into developing countries to help support economic growth and reduce poverty. MIGA has its own Operational and Financial Regulations (<http://www.miga.org/sitelevel2/level2.cfm?id=1069>). Using its portal, FDI.net (<http://www.fdi.net/>), researchers can obtain country analyses, information on foreign direct

investment, and analysis of business and legal environments for over 175 countries.

### **ICSID** (<http://www.worldbank.org/icsid/>)

ICSID assists with conciliation and arbitration disputes. All of the member countries of ICSID are also members of the World Bank. The decisions and awards of ICSID are available in various locations, and may vary in completeness based on the publisher. Pursuant to the ICSID Convention, the Centre may only publish decisions and awards rendered in ICSID proceedings if both parties to the proceedings provide

their consent. Beginning in 2003, ICSID has published all such decisions and awards on its Web site. In addition, the print publication, *ICSID Review Foreign Investment Law Journal*, reprints selected decisions and or awards rendered in ICSID cases.

Decisions and awards are also published by other sources; e.g., the *ICSID Reports*, published by Oxford University Press, and the *International Legal Materials*, published by ASIL. References to a number of external sources are listed for each case on the Centre's Web site. **LLL**

## **Resources Available from Other Development Banks**

### **African Development Bank Group (AfDB)**

<http://www.afdb.org>

Some useful information is available through the "Documents & Publications" portal:

[http://www.afdb.org/portal/page?\\_pageid=473,970659&\\_dad=portal&\\_schema=PORTAL](http://www.afdb.org/portal/page?_pageid=473,970659&_dad=portal&_schema=PORTAL)

### **Asian Development Bank (ADB)**

<http://www.adb.org>

The Operations Manual (<http://www.adb.org/Documents/Manuals/Operations/default.asp?p=policies>) and Policy and Strategy Papers (<http://www.adb.org/Development/policies.asp>) are well populated. Legal agreements are also included (<http://www.adb.org/Projects/legal-agreements.asp>).

### **Caribbean Development Bank (CDB)**

<http://www.caribank.org/>

Use the "Basic Information" option

([http://www.caribank.org/CDBWebPages.nsf/Basicinfo/\\$File/Basicinformation1.pdf?OpenElement](http://www.caribank.org/CDBWebPages.nsf/Basicinfo/$File/Basicinformation1.pdf?OpenElement))

to find the lending guidelines.

### **European Bank for Reconstruction and Development (EBRD)**

<http://www.ebrd.org/>

Establishment information is located in the "Basic Documents" section:

<http://www.ebrd.com/about/basics/basicdoc.htm>

The "Strategies and Policies" page (<http://www.ebrd.org/about/strategy/index.htm>) contains some rules and guidelines.

### **Inter-American Development Bank (IADB)**

<http://www.iadb.org/>

The General Operational Policies ([http://www.iadb.org/exr/pic/VII/operational\\_policies.cfm?language=English](http://www.iadb.org/exr/pic/VII/operational_policies.cfm?language=English)) and the Terms and Conditions of IDB Loans (<http://www.iadb.org/fin/terms.cfm?language=English>) govern lending practices.

# Manual Research— It Doesn't Have to Be Puzzling

*Beth Maser, Director of Business Critical Research, The History Factory  
with Donna Cavallini, Market Research Specialist, Arnold & Porter LLP*

If we are lucky, every research project presents an interesting puzzle to be solved. In our line of work, some puzzles can be viewed as 20 pieces, but rarely do we see the 5,000-piece puzzles anymore. As information professionals, we have fully embraced the Internet and commercial databases because they make our routine search tasks far less time-consuming, but popular databases cannot solve all of our puzzles. Unlike our patrons, who expect instant gratification and believe everything is available on the Internet, we know better.

On any given day, we might be presented with a need for a variety of special types of materials, from commercial or classified advertisements; to corporate archives, personal papers, and vertical files; to incorporation records. Many of these primary-source documents are not indexed in either their print or online versions and thus can only be researched manually, yet these documents may provide the pivotal piece of evidence upon which a case will turn—the proverbial smoking gun.

But manual research tasks face difficulties on a number of levels, not only from patrons and clients, but also from information professionals themselves. Beyond the basic logistical issues inherent in these requests, patrons often balk at the prospect of paying for manual research services because of the inordinate time and labor commitments they assume will be necessary, and law firm libraries, understaffed, balk at diverting limited staff resources from immediate needs. The solution? Become thoroughly familiar with available resources and techniques for performing manual research so that when the need arises you are comfortable either taking on the research yourself or making the decision to outsource to an outside vendor.

In writing this article, Donna and I brainstormed some frequently-asked manual-research questions we have received in the past and have provided some examples to illustrate the importance and necessity of employing manual-research techniques in certain situations.

## A Martindale-Hubbell Example

Sometimes, print resources that we know and trust are available electronically, either through commercial vendors or even freely accessible via the Internet, but the content is limited to only the current version of the print publication. A classic example of this limitation is the *Martindale-Hubbell<sup>(R)</sup> Law Directory*, searchable online via Lexis or on the Internet at <http://www.martindale.com>. *Martindale-Hubbell* is a tremendous resource for finding biographical information about attorneys, a due diligence task performed as a matter of course when a firm seeks to obtain new business from a company.

The task is difficult, however, when it involves finding the bios of inhouse counsel because many corporations do not pay for the inclusion of their legal staff members' bios in the directory. The lack of prior years' information online poses a research problem that is increasing in its frequency because of the recent trend towards corporations beefing up their inhouse legal departments and hiring experienced attorneys who typically have private practice backgrounds in large law firms.

So how do you find the biographical information on these lawyers? You research their backgrounds in old editions of *Martindale-Hubbell*. These volumes are so valuable that despite the pervasiveness of library downsizing, many law firms continue to make space for them. Old bios fill in a lot of the blanks and provide contextual information that can help to verify and contribute to a more complete and accurate picture of an individual attorney. While it is relatively easy to determine from a state bar association where a particular individual went to school, the fact that the particular John Smith in whom your firm is interested published an article espousing a very clear political ideology would suggest that lawyers of the same political persuasion would have the best chance of establishing a connection, and therefore earning the business of the company.

**Become thoroughly familiar with available resources and techniques for performing manual research so that when the need arises you are comfortable either taking on the research yourself or making the decision to outsource to an outside vendor.**

Sources at Martindale-Hubbell have been hinting at the possibility of addressing this market need by making the older data available electronically. Martindale-Hubbell's implementation of ISLN numbers, useful for no other purpose than verifying identity, would suggest that commercialization of this data has been planned from the start, but until that time, the old volumes will continue to yield bits of biographical treasure for the diligent.

### Manual Newspaper Research

A recent blog entry, "How Easy is it to Search the Complete Archives of the *New York Times*?" by Thomas Padilla, caught my attention (<http://hnn.us/articles/34785.html>). Padilla discussed the merits of searching the print version of *The New York Times Index* vs. the online version. His conclusion: "Has [sic] the bound version of *The New York Times Index* and the physical search of microfilm become obsolete as online-based alternatives advance in comprehensive development? No, they have not. Historians still need libraries."

The *New York Times* and other major dailies notwithstanding, most local newspapers do not have the luxury of a print and an online archive of their content. Many papers in smaller markets have put their archives online and have initiated some form of search, but their offerings differ greatly. Once in a blue moon, you will find a librarian who manually created an index for the local paper, but those are few and far between. Most small-market papers do not have printed indexes. The only way to effectively search these publications is by hand.

There is also no comprehensive up-to-date locator for finding newspapers on microfilm. The Library of Congress (LC) authored a bibliography titled *Newspapers on Microfilm-United States* in the mid-1980s. To the best of my knowledge, this bibliography has never been updated, but it is a useful tool for narrowing the best locations for a particular newspaper. We are fortunate that LC also maintains the most extensive collection of periodicals on microfilm in the world, right here in our backyard.

Periodicals not housed at the Library of Congress pose additional challenges. Searching these papers requires locating a researcher in a different city or contacting specialty research firms, which can send a researcher or a research team into the field to undertake the manual search. This fact should not scare you

off. Newspaper-research specialists have mastered these searches and can accurately quote how much time it will take to complete one of these assignments.

### Vertical Files

My colleague, Kevin Manzel, Research Director at The History Factory, reminded me of the treasure trove of information available in vertical files. I agree, and have always found a good vertical file to be one of the most valuable gifts a dedicated librarian or archivist can give to their libraries. These files are usually meticulously cataloged and kept. The one downside to vertical files is that they are rarely kept up-to-date and suffer when the librarian or archivist leaves the position. Our gain is that the library kept these files because they serve as an extremely accurate local historical record.

### Incorporation Dates

Incorporation research is another task best done manually, since experience has shown that company histories and city historical society records are often mistaken about incorporation dates. Although the office of the particular state's secretary of state is clearly the best resource for verifying company incorporation dates through retrieval and review of original incorporation documents, city incorporation data as provided by state offices is far less reliable.

Many secretaries of state have undertaken the task of assisting researchers by compiling, and in some instances publishing on the Internet and in secondary sources, lists of city incorporation data; however, Donna was involved in a recent 50-state research project involving identification of incorporation dates for cities in multiple states. The project revealed that secretary of state offices got the date wrong an astounding 60% of the time. Apparently, the clerks in these offices failed to appreciate that the act of incorporation is accomplished by the occurrence of a particular legally prescribed event (usually, filing in the secretary of state's office of all papers necessary for incorporation, but often, particularly early in the nation's history, a judge's ratification of the vote to incorporate, or publication of the election results in the newspaper of record for the jurisdiction in question), thus necessitating that incorporation be determined in reference to the specific laws in place at the time of the incorporation. Clearly, incidents such as this make

*continued on page 28*

**The one downside to vertical files is that they are rarely kept up-to-date and suffer when the librarian or archivist leaves the position. Our gain is that the library kept these files because they serve as an extremely accurate local historical record.**

## Manual Research *continued from page 27*

clear that there is no substitute for the expert manual researcher's thoroughness and careful attention to detail in researching fine points.

### Print Resources Don't Always Work...

Sometimes, data is available electronically and in print directories and yet still cannot be relied upon. This is the case with questions involving determination of jurisdiction for service of process purposes. For example, the U.S. Postal Service address server (<http://www.usps.gov/ncsc/>) usually will return a county if an exact address is entered, but this resource is not error-proof: the system sometimes has difficulty with addresses that are on the border between two counties, particularly in large metropolitan areas, and the server has been known to return a record with a blank county field for some given addresses. Two print sources favored by law librarians are the *Rand McNally Green Guide: U.S. Places with over 100 People*, and AM Publication's *Directory of Cities and Counties, Counties and County Seats of the United States*, but neither of these is currently published. As a result, the only definitive way of determining county jurisdiction is by contacting the Sheriff's office or the county tax collector.

## Conclusion

We hope that in reviewing the examples above, you have seen that manual research is not as daunting as it sounded before you were reminded of certain tricks of the trade. Some puzzles can be routinely solved inhouse with a little diligence and determination, while others, such as newspaper and archival research puzzles, may require the assistance of outside experts. Either way, these types of investigative research tasks shouldn't be dismissed out of hand, not only because of the value they can add to the practice of law but also because of the availability and relatively easy accessibility of a tremendous wealth of manual resources here in Washington, D.C. With manual research specialists only a listserv posting, an e-mail, or a phone call away, even the understaffed can be research heroes. **LLL**

### Contact the Authors:

Beth Maser, Director of Business Critical Research, The History Factory

(<http://www.historyfactory.com/index.aspx?sectionid=110>)

E-mail: ([bmaser@comcast.net](mailto:bmaser@comcast.net))

Donna Cavallini, Market Research Specialist, Arnold & Porter LLP

E-mail: ([Donna\\_Cavallini@aporter.com](mailto:Donna_Cavallini@aporter.com))

# Advanced Interlibrary Loan Research

Larry Guthrie, *Inter-Library Loan Librarian, Covington & Burling LLP*

There was a time, early in the last century, when a law firm would own nearly all the books and articles needed for its attorneys' practice. Over time, the number of legal resources and materials needed grew so that resource sharing through Interlibrary Loan (ILL) among firms and other libraries became prevalent. Also, many resources needed for litigation in diverse practice areas are not strictly legal in nature. Furthermore, firm attorneys serve as professors; speakers at seminars, conferences, and classes; authors of books and articles; and as special advisors, all of which may require broad academic research. Finally, the explosion in the number of resources available both in print and electronic, any of which could be needed, requires a person with special skills to obtain requested items. Virtually anything can be asked for and in any format. For these reasons, the ILL function continues to evolve as a specialization of B2B (Business-To-Business) exchange of information. See <http://www.vala.org.au/vala2002/2002pdf/12Smith.pdf> for an essay by Alastair G. Smith, "What Can E-Libraries Learn from E-Businesses?"

The basic scheme of ILL is to 1) know the title needed, 2) find out who has it, 3) ask them for it, and 4) arrange for getting it...in time. As the usual procedural lines blur, Advanced ILL Research introduces the importance of **Background, Strategic Planning, Contacts/Networking** and **Negotiating**. All these factors together can provide the "winning edge" for the librarian or specialist who is able to master the most difficult challenges that others may give up on. ILL is results-oriented; our patrons expect to be able to obtain the materials they need.

Many resources are fairly routine to obtain: you start with a straightforward title; identify through OCLC, union list, or another source who holds the material; contact the holding firm, library, agency, individual or other who will provide it; arrange for the safe transport of the item; and finally track the item until its return to the lender. If each of these steps can be done with relative ease, the loan can be considered "routine." These loans comprise a good part of the ILL librarian's usual day, but any special difficulty or challenge in any step can be con-

sidered to involve "Advanced Interlibrary Loan Research" —the topic of this article.

## ILL as a Research Specialization

Challenges can arise at any step of the ILL process. For example, you may not know the author or title of the item needed. In this case, Googling the known information or looking it up using OCLC Advanced Searching may identify the unknown information. Alternatively, you may have trouble determining who has a copy of the item, in which case a publisher, agency or organization associated with it may be able to help; or networking contacts may assist in tracking down a copy. You may see no way of getting the item to your office; once an overseas library had the item I was seeking but no fax or way of sending it, and an intermediary contact was able to help. Occasionally, an item gets lost in transit, and FedEx or UPS, or Document Delivery or Electronic Transaction numbers are needed to help track progress. After the "Research and Acquisition" phase through which the item is obtained, the ILL procedure merges back into the normal process of monitoring the books through a database for due date, overdues, prompting patrons to return books, and returning them safely. All this is part of the borrowing side of ILL. Lending is totally separate and often has a separate database to monitor lending transactions.

One can describe Advanced ILL Research as negotiating each of a series of challenges until the item is obtained. The first step in Advanced ILL Research is recognizing it as such. Recognizing and accepting that something is going to be difficult allows one to devote time and attention to it. Thinking that something is routine when it is very involved will be infinitely frustrating.

Some things are easy to identify as difficult, such as an unpublished study, an article from the 1800's in a small community newspaper, the full-text of a presentation at a conference (not just a summary), market surveys, or the date when a publication was made public. Finding such information, however, can be pivotal to winning a court case.

*continued on page 30*

The basic scheme of ILL is to 1) know the title needed, 2) find out who has it, 3) ask them for it, and 4) arrange for getting it... in time.

## Advanced Interlibrary Loan Research

continued from page 29

### Background

Having accurate publication information (title, author, etc.) is ultimately essential. OCLC, Worldcat, individual library OPACs, Google, and other search engines can help identify this information, if necessary, although the reference interview between the ILL Librarian and the patron should provide adequate bibliographical data in most instances.

In other cases, the ability to use accumulated background knowledge can be invaluable to the ILL librarian. One's general familiarity with a subject area and relevant organizations is very useful. Virtually any specialized expertise you have will be useful in ILL. For example, knowing the organization of a university can be very valuable when tracking down an unpublished study. Specifically, knowing to check the library holdings first, the online biography of a faculty member that might have a link to papers, contacting the departmental administrative assistant who might have the writings of the department members, or contacting the faculty member directly, could be an action plan. Persistence, patience and diplomacy are invaluable. Also, knowing a university's strengths can lead to the needed information. A basic question is, "Who knows or who should know about this?" A basic adage is, "Ask someone who knows."

### Strategic Planning

Using strategic planning, one can think through the process and envision where the information is and how to obtain it, step by step. For example, when trying to find the date when a journal was available to the public, one can think of the receiving process in a typical library: the journal arrives by mail and is often stamped with the date received. So, asking a librarian to identify such a stamp and send a copy would solve the problem. Some current scientific journals have this information specified, such as a pre-publication draft, etc. Don't be afraid to abandon the usual procedure to pursue a lead based on your best judgment. Sometimes you have to "think outside the box."

### Contacts/Networking

Ask yourself, "Who has this, or Who should have it?" There are experts in every field who

may be able to serve as a resource. There's no need to reinvent the wheel when researching in their subject area.

Networking is invaluable because it connects you with experts in many fields. For example, the Special Libraries Association (SLA) has 13,000 members working in corporate, newspaper, scientific, law firm, museum, university, competitive intelligence, TV broadcasting, and many other types of libraries. One can contact a colleague in a library that might hold the material, or perhaps the colleague might know who does. Of course, LLSDC, AALL, ALA, and MLA offer valuable contacts as well. The broader the range of subject specialists to draw upon, the better.

The January 2007 issue of *Harvard Business Review* contains a good article on the importance of networking. In their article "How Leaders Create and Use Networks," Herminia Ibarra and Mark Hunter note, "Operating beside players with diverse affiliations, backgrounds, objectives and incentives requires a manager to formulate business...objectives...needed to...compete for resources" (p. 43). Networking through professional associations and conferences both local and national is very valuable for broadening a winning network to obtain information that your opposition may not be able to find. These contacts become part of your team for success.

As Lynne Waymon, professional networking counselor, says, "Contacts Count" (<http://www.contactscount.com/>). Establishing library contacts in various settings can prove invaluable, whether they work at government agencies, Capitol Hill, newspapers, the World Bank, law schools, universities in general, U.S. or international courts, ALA, ABA, law firms, corporations, or nonprofits and nongovernmental organizations. In particular, try to make contact with librarians in libraries associated with the practice areas of the firm or organization.

### Negotiating

Negotiating skills can come in very handy in the ILL process. Timing is usually crucial and should be determined from the outset in the reference interview. You may need to stress to the patron that obtaining an item may be difficult or may take longer than desired due to circumstances beyond your control.

**Interlibrary Loan operates within an arena of information cooperation among firms. This attitude benefits everyone, even though the prevailing relationship among them may be competitive or adversarial.**

An Interlibrary Loan Librarian enjoys the thrill of the hunt, and the satisfaction of helping. Politeness and diplomacy are valuable traits. One must address each challenge while maintaining a diplomatic demeanor. Fortunately, most librarians are helpful professionals and glad to assist colleagues in their search for obscure information. Reciprocation is key in ILL. We help each other.

In asking for the material, negotiation skills can prove very useful. The classic book *Getting to Yes: Negotiating Agreement Without Giving In* (1985), by Roger Fisher and William Ury of the Harvard Negotiation Project, offers this insight: “Participants are problem-solvers”(p.13). Problem-solving skills when perfected can be useful in negotiating, in general.

### **B2B...with Limits**

Interlibrary Loan operates within an arena of information cooperation among firms. This attitude benefits everyone, even though the prevailing relationship among them may be competitive or adversarial. Nevertheless, realizing the potential for conflicts of interest, the ILL librarian needs to know from the requesting attorney or paralegal whether there are any “do not call” firms or companies who might be associated with the opposing side of the case. Be sure and document all your calls for information since you may occasionally be asked about them by attorneys.

### **The Thrill of Victory**

To look at how the overall process works, here are a few examples:

In seeking a copy of an international agreement in advance of its being reported in *International Legal Materials*, an extensive Web search revealed an obscure reference to an article in a law journal. Knowing that law journal articles often include appendices with full texts of treaties, a call to the journal and author revealed that the article did include the agreement in full text.

On another occasion, I was looking for a reference to a foreign incident that supported analogous research outside the country. By contacting a scientific library in the foreign country, I was able to obtain a book discussing related events and studies. A good source for these types of requests is *World of Learning* (Europa Publications).

After receiving a request for a self-published book by a deceased author, I was able to obtain a copy from a phone call to his colleague on a committee.

### **Conclusion**

Of the over 3,300 items I handled last year, I estimate up to 25% required Advanced ILL Research. I would like to conclude this article by thanking my very helpful and expert colleagues in Interlibrary Loan, Reference, resource sharing, and document delivery. It is our collective cooperation that allows each of us to succeed. **LLL**

*Karen W. Silber, Legal Reference Librarian, BNA, Inc.*

## **Blue Ocean Strategy: How to Create Uncontested Market Space and Make the Competition Irrelevant**

by W. Chan Kim and Renee Mauborgne

Cirque du Soleil and Curves are huge successes, but not because they followed the industry norm. While they did not reinvent the wheel, they did reinvent entertainment and exercise, respectively, to make these subjects appealing to new groups of customers. Cirque de Soleil targeted “adults and corporate clients prepared to pay a price several times as great as traditional circuses for an unprecedented entertainment experience.” They did not compete with Ringling Bros. and Barnum & Bailey. Nor did Curves compete with existing gyms and fitness centers.

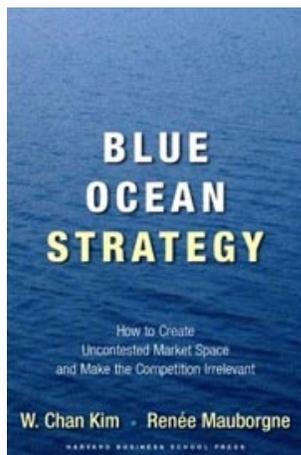
Curves is geared toward a specific audience using a facility considered “blandier than the competition’s.” Yet Curves exploded in the U.S. fitness industry by targeting women with a quick and inexpensive exercise environment designed especially for them. Both Cirque de Soleil and Curves created uncontested new market space that made the competition irrelevant. This strategy is what Kim and Mauborgne describe as Blue Ocean Strategy.

To understand blue oceans, we first have to examine the market universe. Kim and Mauborgne describe the market universe as composed of red oceans and blue oceans. Red oceans represent all the industries in existence today, or the known market space. In this sphere, companies are trying to outperform their rivals and vying for a greater share of the pie. The industry boundaries are defined and accepted. Blue oceans, on the other hand, are all the industries not in existence today or the unknown market space. Some blue oceans are created beyond the existing industry boundaries, but most are created from within the red oceans by expanding existing industry boundaries, just as Cirque de

Soleil did. “In blue oceans, competition is irrelevant because the rules of the game are waiting to be set.” Blue oceans, however, are uncharted. This book outlines the practical frameworks for blue oceans and provides examples of companies and organizations who have ventured out of the industry norm into uncharted space.

The book is divided into three parts. Part One, “Blue Ocean Strategy,” discusses analytical tools and frameworks. Part Two is “Formulating Blue Ocean Strategy” and contains four chapters: “Reconstruct Market Boundaries,” “Focus on the Big Picture Not the Numbers,” “Reach Beyond Existing Demand,” and “Get the Strategic Sequence Right.” Part Three, on “Executing Blue Ocean Strategy,” contains chapters called “Overcome Key Organizational Hurdles,” “Build Execution Into Strategy,” and the conclusion. The book also contains three appendices.

In reading this book, I could not help but wonder if we could apply the principles to our libraries and create uncontested market space. One line in Chapter 4 particularly caught my attention: “Obviously, the first port of call should be the customers. But you should not stop there. You should go after the noncustomers.” Could librarians use measures in this book to redefine/redraw our market boundaries and seek out a new audience? Who is not using the library? Are we allocating time, money, energy etc. on old assumptions, or do we seek out and concentrate resources on hot spots? With constructive examples of trailblazing companies such as Southwest Airlines, Blockbuster, eBay, and CNN (which was initially ridiculed when it bucked the system and introduced a twenty-four-hour, seven-day, real-time news show), combined with strategy for formulating and executing blue oceans, the book is an informative and entertaining read. Check it out. **LLL**



# Law and Technology Podcasts

Roger V. Skalbeck, Georgetown  
University Law Library

During my commute on the Washington, D.C. Metro, I rarely have enough room to butterfly my newspaper, assuming that I even get a seat. Since I can't read law and technology news en route to work, I have decided to listen to it. Unsurprisingly, there are numerous high-quality Podcasts that regularly contain useful news in these areas. In this column, you can find a very select handful of useful Podcasts dealing with technology policy, the Internet industry, and Web development. I have either heard the selections first-hand (first ear?) or had them suggested to me by colleagues who like them. Thanks to the law librarians who sent me good suggestions for this column.

## Podcasting: Not Just For iPods anymore...

As most people probably know, Podcasts are electronic audio files that you can download and listen to on a portable media player such as an iPod. The name Podcast comes, of course, as a derivation of iPod plus broadcast. For a quick overview of Podcasting, check out Wikipedia's entry on the topic: (<http://en.wikipedia.org/wiki/Podcasting>).

Just because the coined term has "Pod" in the title doesn't mean that you have to own an iPod to listen to them. You can also listen to Podcasts on a player such as a Creative Labs Zen or the Microsoft Zune. Increasingly, you can play many Podcasts directly from within a Web browser.

Also, you don't have to synchronize your Podcasts using Apple's iTunes software. You can use the Zencast organizer (<http://www.zencast.com/>), NewsGator's FeedDemon (<http://tinyurl.com/22h5sz>), an open source program called Juice (<http://juicer.iceiver.sourceforge.net/>), or any of several other RSS readers.

## Recommended Podcasts

### This Week in Tech

<http://twit.tv/TWiT>

By the time this column goes to print, there will be more than 90 weekly episodes of This Week in Tech (TWiT) online. Featuring technology journalist Leo Laporte "and friends," TWiT is a roundtable discussion of the biggest technology news each week. It is very well produced and is often quite entertaining. If you like the main TWiT Podcast, poke around their website to discover their other shows.

### This Week in Law

<http://twit.tv/twil>

This Week in Law (TWiL) features a discussion of legal topics relating to technology and the Internet. TWiL is hosted by well-known blogger/attorney Denise Howell (author of *Bag and Baggage*) and features panelists such as Ernie Svenson (Ernie the Attorney) and intellectual property lawyer Cathy Kirkman. In spite of the name, episodes don't come out weekly, but all of them have been good so far. For instance, the third episode includes a detailed discussion of contract rights and copyright implications of RSS feeds.

### CNet News Tech Politics Rundown

[http://news.com.com/2030-12835\\_3-6133242.html](http://news.com.com/2030-12835_3-6133242.html)

Tech Politics Rundown is a show co-hosted by News.com executive editor Charles Cooper and chief political correspondent Declan McCullagh. It is usually less than twenty minutes long and covers legislative updates and political developments in the technology area. Recent shows have looked at the future of the Digital Millennium Copyright Act, controversy over digital identification legislation, and Net neutrality.

### LexisNexis Mealey's Podcasts

<http://www.lexisnexis.com/mealeys/podCasts.aspx>

LexisNexis owns the Mealey's family of publications, and this Podcast is a way to distribute their headline news stories. It is obviously commercial in nature (to date, every installment contains advertisements for the *Lexis Total Litigator*).

*continued on page 34*

## Law and Technology Podcasts

*continued from page 33*

Nonetheless, the General News Podcast coverage is done well, and there have been technology cases that I heard about on this Podcast before learning of them in any other source. Offerings include localized Podcasts covering legal news in California, New York, New Jersey, Pennsylvania, and Texas.

### SCOTUSBlog Podcast

**<http://www.scotusblog.com/>**

This popular blog focused on the Supreme Court often contains Podcasts that feature interviews and commentary by law professors and attorneys analyzing issues before the Supreme Court. The Podcasts available so far have included a conversation with former Solicitor General Charles Fried on his new book, a discussion with Linda Greenhouse, and analysis of important cases on the court's current docket.

### Future Tense

**<http://www.publicradio.org/columns/futuretense/>**

Produced and hosted by Jon Gordon, this Podcast covers up-to-the-minute technology topics in daily five-minute segments. From electronic privacy and digital democracy to spam and computer worms, Future Tense covers the rapidly changing world of technology.

### Boagworld

**<http://www.boagworld.com>**

This show is named after the main host Paul Boag, a British Web designer. It regularly contains interviews with British and other European Web design professionals, covering topics such as microformats, Web standards, accessibility and general industry updates. There is a recurring segment called "Client Corner" focused on the business side of running Web sites, touching on topics such as development contracts and content ownership.

### .Net Magazine Podcast

**<http://www.netmag.co.uk/zine/podcast>**

This is another Podcast run by Brit Paul Boag. It is a companion Podcast to the UK-based *.Net Magazine* and features a roundtable-like discussion of Web design topics. Though there are only a handful of episodes in this name, it continues a Podcast for the former magazine *Practical Web Design*, which was equally good. After

listening to too many American voices, this pair of British-based Podcasts presents a welcome change of pace.

### Grammar Girl

**<http://grammar.qdnow.com/>**

These Podcasts offer refresher rules on grammar and proper usage. Topics have included use of semicolons, modifying absolutes, and the usage differences of although and while. They provide good reminders and useful tips for people who want to write well. Thankfully, each episode is less than five minutes long.

### Further Suggestions

If you are looking for a law-related Podcast on just about any topic you can think of, two great places to check out are the Blawgcast directory at Justia.com (**<http://blawgsfm.justia.com/>**) and the Legal Talk Network (**<http://www.legaltalknetwork.com/index.php>**). Both of these come highly recommended.

Oh, and just so you don't think that law librarians are not producing their own podcasts, check out Rita Kaiser's show here (**<http://www.kcll.org/aboutus/publications/podcasts/>**). Kaiser worked for many years in Washington, D.C. law firms and now lives on the West Coast. **LLL**

## ANNOUNCEMENT

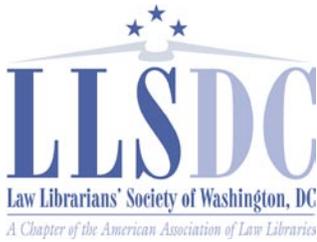
### Legal Research Conference at University of Texas

In October 2007, the Tarlton Law Library will host a conference that will explore the teaching of legal research in today's information environment. *Teaching the Teachers: Effective Instruction in Legal Research* will focus on the best methods and practices for teaching legal research to today's generation of law students. Conference faculty represent excellence in teaching and communication and come from the judiciary, the practicing bar, and the legal academy. The conference responds to and will further the National Conference of Bar Examiners' initiative to develop a stand-alone component of the bar exam focusing on legal research methods and skills.

The conference will be held October 18-20, 2007, at the Tarlton Law Library, Jamail Center for Legal Research at the University of Texas.

For further information, conference details, and online registration, please visit the conference Web site at <http://tarlton.law.utexas.edu/ttt/>.

For a printable online brochure, including registration information, please visit <http://tarlton.law.utexas.edu/ttt/ttt.pdf>.



## Executive Director

[Position vacant]  
703/619-5033  
<http://www.llsdc.org>

## EXECUTIVE BOARD

### President

**Billie Jo Kaufman**  
202/274-4374  
[bkaufman@american.edu](mailto:bkaufman@american.edu)

### Vice President/

#### President-Elect

**Abigail Ross**  
202/434-4148  
[rossa@khlaw.com](mailto:rossa@khlaw.com)

### Recording Secretary

**Barbara Fisher**  
202/263-3314  
[bjfisher@mayerbrownrowe.com](mailto:bjfisher@mayerbrownrowe.com)

### Corresponding Secretary

**Carla Evans**  
202/416-6899  
[cevans@proskauer.com](mailto:cevans@proskauer.com)

### Treasurer

**Christine Ciambella**  
703/993-8111  
[cciambel@gmu.edu](mailto:cciambel@gmu.edu)

### Assistant Treasurer

**Laurie Green**  
202/508-6055  
[laura.green@bryancave.com](mailto:laura.green@bryancave.com)

### Immediate Past President

**Elizabeth LeDoux**  
703/971-7434  
[ledoux2@mac.com](mailto:ledoux2@mac.com)

## BOARD MEMBERS

**Joan Scherer**  
202/647-1146  
[schererjm@state.gov](mailto:schererjm@state.gov)

**Karen Silber**  
202/452-4631  
[ksilber@bna.com](mailto:ksilber@bna.com)

**Lisa Harrington**  
202/457-5911  
[lisa.harrington@hklaw.com](mailto:lisa.harrington@hklaw.com)

## SPECIAL INTEREST SECTIONS

### Academic

**Frances Brillantine**  
202/319-4331  
[brillantine@law.edu](mailto:brillantine@law.edu)

### Federal

**Susan Panasik**  
202/619-3719  
[susan.panasik@hhs.gov](mailto:susan.panasik@hhs.gov)

### Foreign & International

**Janice Fridie**  
202/344-4879  
[jfridie@venable.com](mailto:jfridie@venable.com)

### Interlibrary Loan

**Sara Balls**  
202/772-5800 x3149  
[balls@blankrome.com](mailto:balls@blankrome.com)

### Legislative Research

**Margot Gee**  
202/639-7365  
[geema@ffhsj.com](mailto:geema@ffhsj.com)

### Private Law Libraries

**Carolyn McKelvey**  
202/662-6157  
[cmckelvey@cov.com](mailto:cmckelvey@cov.com)

## COMMITTEE CHAIRPERSONS

### Arrangements

**Kate Martin**  
202/496-7752  
[kmartin@mckennalong.com](mailto:kmartin@mckennalong.com)

**Laurie Green**  
202/508-6055  
[laura.green@bryancave.com](mailto:laura.green@bryancave.com)

### Bylaws Revisions

**William H. Grady**  
202/508-9858  
[williamgrady@paulhastings.com](mailto:williamgrady@paulhastings.com)

### Education

**Craig Lelansky**  
202/662-9182  
[Cdl3@law.georgetown.edu](mailto:Cdl3@law.georgetown.edu)

**Matthew Braun**  
202/994-8545  
[mbraun@law.gwu.edu](mailto:mbraun@law.gwu.edu)

**Julie Bozzell**  
202/533-2397  
[bozzellj@gtlaw.com](mailto:bozzellj@gtlaw.com)

### Elections

**Mike Gentile**  
202/942-5409  
[michael\\_gentile@aporter.com](mailto:michael_gentile@aporter.com)

### History & Archives

**Heather Bourk**  
202/662-9133  
[Hcb3@law.georgetown.edu](mailto:Hcb3@law.georgetown.edu)

### Joint Spring Workshop

**Kate Martin**  
202/496-7752  
[kmartin@mckennalong.com](mailto:kmartin@mckennalong.com)

**Kelly Yuzawa**  
202/822-3621  
[kyuzawa@zuckerman.com](mailto:kyuzawa@zuckerman.com)

**Laurie Green**  
202/508-6055  
[laura.green@bryancave.com](mailto:laura.green@bryancave.com)

### Law Library Lights

**Dawn Bohls**  
202/662-6180  
[dbohls@cov.com](mailto:dbohls@cov.com)

### Membership

**Mary Elizabeth Woodruff**  
202/274-2876  
[maryelizabeth.woodruff@troutmansanders.com](mailto:maryelizabeth.woodruff@troutmansanders.com)

**Amy Taylor**  
202/662-9141  
[Amt54@law.georgetown.edu](mailto:Amt54@law.georgetown.edu)

### Mentoring

**Scott Bailey**  
202/626-6708  
[ScottBailey@ssd.com](mailto:ScottBailey@ssd.com)

**Pamela Gregory**  
301/952-3438  
[pgregory2@earthlink.com](mailto:pgregory2@earthlink.com)

### Nominations

**Martha Klein**  
202/496-7844  
[mklein@mckennalong.com](mailto:mklein@mckennalong.com)

### Placement

[TBD]

### Publications

**Keith Gabel**  
202/466-2388  
[kgabel@stewartlaw.com](mailto:kgabel@stewartlaw.com)

### Public Relations

**Kevin Dames**  
202/541-9671  
[kmdames@i-brarian.com](mailto:kmdames@i-brarian.com)

### Scholarships & Grants

**Iris Lee**  
202/944-2733  
[ilee@law.gwu.edu](mailto:ilee@law.gwu.edu)

### Volunteer

**Julia Leggett**  
202/707-6779  
[JLEGGETT@crs.loc.gov](mailto:JLEGGETT@crs.loc.gov)

**Joyce Baker**  
202/739-6424  
[Joyce.Baker@morganlewis.com](mailto:Joyce.Baker@morganlewis.com)

### Web Site

**Paul Weiss**  
202/434-4277  
[weiss@khlaw.com](mailto:weiss@khlaw.com)  
[webmaster@llsdc.org](mailto:webmaster@llsdc.org)

**Konrad Rieke**  
[Konrad.Rieke@lw.com](mailto:Konrad.Rieke@lw.com)

## FOCUS GROUPS

### Franklin Square Group

**Scott Larson**  
202/789-6166  
[slarson@bdlaw.com](mailto:slarson@bdlaw.com)

**Ann Green**  
202/408-6452  
[agreen@sonnenschein.com](mailto:agreen@sonnenschein.com)

### Legal Research

**Training Group**  
**Cindy Carlson**  
703/203-5187  
[Cindy.Carlson@thomson.com](mailto:Cindy.Carlson@thomson.com)

### Library Managers' Group

**Barbara Folensbee-Moore**  
202/739-5131  
[Bfolensbee-moore@morganlewis.com](mailto:Bfolensbee-moore@morganlewis.com)

## LAW LIBRARY LIGHTS

### Editor

**Dawn Bohls**  
202/662-6180  
[dbohls@cov.com](mailto:dbohls@cov.com)

### Assistant Editor

**Shannon O'Connell**  
202/434-5303  
[soconnell@wc.com](mailto:soconnell@wc.com)

### Eye on Serials

**Susan Chinoransky**  
202/994-8902  
[schinoransky@law.gwu.edu](mailto:schinoransky@law.gwu.edu)

### Tech Talk

**Roger Skalbeck**  
202/662-9158  
[rvs5@law.georgetown.edu](mailto:rvs5@law.georgetown.edu)

### Member News

**Amy Taylor**  
202/662-9141  
[Amt54@law.georgetown.edu](mailto:Amt54@law.georgetown.edu)

### Publisher/Graphic Designer

**Cindy Dyer**  
Dyer Design  
703/971-9038  
[dyerdesign@aol.com](mailto:dyerdesign@aol.com)