

## Finding Data and Statistics on Judges

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Increasingly, both scholars and practitioners are seeking statistical information about individual judges for a variety of purposes. Practitioners seek information to prepare courtroom strategies, while scholars seek statistical information for empirical inquiry regarding judicial decision-making. Until recently, finding data by individual judge was no easy task. Data reported by the Bureau of Justice Statistics (Department of Justice) generally is aggregated by court, state, or other jurisdiction.<sup>1</sup>

At least one prior article addressed sources of statistical information for courts more generally.<sup>2</sup> However, increasingly it has become possible to isolate data by individual judge and no longer rely on more general information about the jurisdiction in which the judge practices. Aggregated data lacks utility when comparing judges to each other or giving practitioners the ability to prepare courtroom strategies. This article will address a few resources, both freely available and available as a subscription, for finding data on the practices of particular judges.

Types of statistical information sought by researchers vary. Practitioners may be interested in learning about the relative caseloads of the courtrooms in which they practice, the average time a judge takes to rule on a particular type of

motion, or data on how a particular judge has ruled on a motion in the past. A scholar may be interested in data regarding how frequently a judge is overruled by a higher court or indicators of decision-making. These uses may require a range of data, from looking at relative caseloads, to looking at appellate reversal rates, to looking at types of cases heard in courtrooms. Fortunately, the number of tools available to researchers looking for judicial data and statistics has proliferated in recent years. Unfortunately, the ability to derive information about individual judges varies widely depending on the jurisdiction in which the judge is situated.

### Federal Judges

Finding data broken down by individual judge is a difficult task in the public domain. One source for individual level judicial data is the Civil Justice Reform Act Reports, required to be filed under the Civil Justice Reform Act of 1990 (CJRA). Under the act, federal courts are required to file semi-annual reports broken down by individual judge or magistrate on all motions pending more than six months, all bench trials that have remained undecided more than six months, and all civil cases pending more than three years. In September 2009, judges voted to make these reports freely available in the public domain via the US Courts website beginning with the period ending March 31, 2010.<sup>3</sup>

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<sup>1</sup>For example, *the U.S. Courts website publishes annually Federal Judicial Caseload Statistics* (available at <http://www.uscourts.gov/caseload2009/contents.html>) which aggregates caseload data by jurisdiction.

<sup>2</sup>Julie Jones, *Just the Facts, Your Honor: Finding Judicial Statistics*, 15 PERSPECTIVES: TEACHING LEGAL RESEARCH AND WRITING 31 (2006)(addressing sources of statistical information for federal courts, state court, and subject based statistics).

<sup>3</sup>News Release, *Judiciary Approves Free Access to Judges' Workload Reports; Courtroom Sharing for Magistrate Judges*, available at [http://www.uscourts.gov/Press\\_Release/2009/judicialConferenceSept2009.cfm](http://www.uscourts.gov/Press_Release/2009/judicialConferenceSept2009.cfm) (September 15, 2009).

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FROM THE EDITOR

# Lights Has a Bright Future

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This past year, I have had the honor and pleasure of serving as editor of *Lights*. It's my humble opinion that *Lights* is by far the best AALL newsletter. That's all due to the members of LLSDC. *Lights* could have the best editor possible, but without the content to edit, it wouldn't shine like it does. Thank you to everyone who authored an article this year or shared an idea for an article or issue theme. Special thanks must go to my colleagues at Georgetown Law who put up with my pleas, begging, and occasional arm-twisting to write articles.

In this issue, we focus on research. Leslie Street writes about ways to find data and statistics on state and federal judges. Jennifer L.

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## Deadline for Submissions

If you would like to write for *Lights*, please contact **Sara Sampson** at [sas235@law.georgetown.edu](mailto:sas235@law.georgetown.edu). For information regarding submission deadlines and issue themes, visit the LLSDC Web site at [www.llsdc.org](http://www.llsdc.org).

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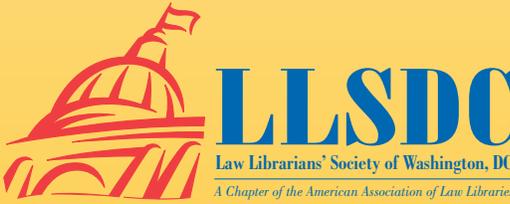
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McMahan offers her advice on finding vital records such as birth and death certificates. Sara Kelley Burriesci updates her article on finding communications law resources. Steve Young explores the tough issue of neutrality at the reference desk. John Cannan entertains us with a tale of Bluebook woe. Tracy Woodard gives us some tips on Facebooking at work, while Dawn Bohls

takes us on a scholarly adventure. Todd Venie writes about case law on Google Scholar as guest author of the Tech Talk column this issue.

I now look forward to turning over *Lights* to Ripple Weistling, our incoming editor, and going back to supporting LLSDC in other ways. Remember that the success of *Lights* depends on all of you. So please consider writing an article and encouraging a colleague to do so. I'm confident that *Lights* has a bright future. **LLL**

**Remember that the success of *Lights* depends on all of you. So please consider writing an article and encouraging a colleague to do so.**

## Finding Data and Statistics on Judges

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However, as of May 4, 2010, these reports are only available for download via subscription to PACER at \$.08 cents per page. Past reports are also available via PACER.

TRACfed, a subscription database offered by Syracuse University, includes a variety of statistical datasets and is a go to source when looking for data on individual federal judges. By selecting the "People" function, users are able to view data ranging from a judge's caseload with regard to a particular type of case for a given year to data showing the average sentence length for criminal cases heard by a particular judge for a given year. The advantages of this database are that it offers a variety of statistical data in an easy to use format where the user determines desired variables in viewing a particular data table. Users are able to compare judges from the same or different circuits against each other based on a variety of variables. Unfortunately, the database is not up to date and data is delayed by at least two years in some instances. Also, the data variables are pre-determined and while working under the "People" tab, only simplistic table creation is permitted, so one cannot create tables controlling or filtering for the other available variables. In spite of these shortcomings, TRACfed is a tremendously useful tool for deriving data on individual federal judges.

## State Judges

Finding judge-level data for state courts is a difficult task using either freely available or subscription based sources. Most state judiciaries offer some statistical information on their court websites. Unfortunately, most of these websites only offer aggregated information, generally in the form of the annual report of that particular

state's court system. Annual reports offer aggregated information on caseloads, decisions, and other large scale data measures. Individual states vary (See Appendix I for a fifty state listing of state court statistical websites), but most offer data and statistics only broken down to the jurisdictional level. Nebraska is a rare example of a state that offers specific judge-level data regarding caseloads on its website.

We can be optimistic that finding judge-level state court data may improve in the future, thanks to the work of the National Center for State Courts (NCSC). On their website ([http://www.ncsconline.org/D\\_Research/csp/CSP\\_Main\\_Page.html](http://www.ncsconline.org/D_Research/csp/CSP_Main_Page.html)), the NCSC offers aggregation of state court statistics and data, although not broken down by judge level. The NCSC developed "CourTools," a set of ten trial court performance measures that look at court performance with measures specific to individual judges.<sup>4</sup> Some states, like California, are implementing these performance measures, and with these measures, we can hope for a better reporting of judge level data in the future.

Another source for aggregated state court data is the Justice Research and Statistics Association, which provides a directory of state statistical agency websites (<http://www.jrsa.org/sac/index.html>). Their links include statistical information on courts and the administration of justice as well as statistical information on law enforcement and the criminal justice system more broadly. The data that this organization provides can be useful, but is less likely to provide statistical information on judges themselves.

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<sup>4</sup> See website [http://www.ncsconline.org/D\\_Research/CourTools/tcmp\\_courttools.htm](http://www.ncsconline.org/D_Research/CourTools/tcmp_courttools.htm) for a complete explanation of CourTools. Measures include time to disposition and age of active pending cases.

The good news for finding judicial statistics and data is that in recent years, the availability of information has increased dramatically.

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### Westlaw Judicial Reports Features

Westlaw now offers a number of data and statistical features that offer specific information on federal judges and some state judges. Westlaw features three types of reports: judicial reversal reports, judicial motion reports, and litigation history reports. In fact, these reports on Westlaw can be one of the few (albeit expensive) databases where judge-level data is readily available.

Judicial Reversal Reports analyze a judge's appellate record by looking at both a judge's record in deciding appeals from lower courts (for appellate judges) and a judge's record of reversal and other dispositions on appeal (for lower court judges). The reports break down data by variables like the types of cases heard/decided, the appellate judges who have reviewed a trial court's decision, and attorneys and law firms who have argued the cases. These reports are a quick way to look for the reversal rate of a particular judge and then isolate it based on type of case, etc.

The Litigation History Report offers data on the caseload of a particular judge. It allows you to isolate cases by case type, clients, industries, law firms, or other variables. You can filter caseload totals by case type to isolate for more specific information.

Judicial Motion reports may be of considerable use in that they analyze a judge's motion history. They contain data based on the type of motion that is considered (including motions for summary judgment or temporary restraining orders) and allows you to filter that information by the type of case in which that motion is being made. Additionally, they allow users to look at data on the time it takes a judge to rule on a motion and what the result or ruling on the motion is.

The type information available varies by the court on which a particular judge sits. For federal judges a greater variety of statistical information is available. For federal district court and circuit court judges, all three types of reports can be located. The reports are more limited for state judges. For example, in looking at litigation history report coverage, while data for most federal dockets begins with 1990, for state dockets data coverage does not begin

until 2000, and even then only for limited state jurisdictions.<sup>5</sup>

The advantage of using the Westlaw reports is that the data has already been compiled for you. It is a user friendly interface that quickly allows users to observe compilations of several basic variables. Of course, the drawback is the large cost of accessing these reports. While the reports may be free for many academic users based on their contract, the cost of downloading a report for users who may not have unlimited access in their contract can be quite large. However, if this data is essential to a practice or research question, the time savings of using the report can be quite substantial. Other drawbacks include the limited variables included in the reports (one cannot isolate for every type of motion in the motion reports, for example) and the substantial limitation that the reports only account for cases and filings contained in the Westlaw database. This means that the data is skewed to not account for cases that may not be included within the larger Westlaw database.

### Conclusion

The good news for finding judicial statistics and data is that in recent years, the availability of information has increased dramatically. Presently, it is possible to find a variety of statistical information for federal judges, in particular. The downside is that most of this information is made available in a useable format in databases that require a paid subscription. Hopefully, this will change in the future as more information, like Civil Justice Reform Act reports are made available through the Federal Administrative Office of the Courts. Arguably, law librarians and other members of the legal community could additionally advocate for more judge-level data to be released through open government efforts like [www.data.gov](http://www.data.gov). State judge-level data is still difficult to obtain. If attorneys, researchers, and others are unable to presently derive this information from publically available sources, then greater advocacy on the state level is also needed to encourage the release of this information.

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<sup>5</sup> For a list of states covered, Westlaw users can click on "about" by the type of report name to ensure that their particular jurisdiction is covered.

## APPENDIX I: State Court Statistical Websites

### Alabama

<http://judicial.alabama.gov/supreme.cfm> (See right side statistical reports menu for listing of reports. Some information is broken down by jurisdiction.)

### Alaska

<http://www.ajc.state.ak.us/retention/retent.htm> (Judicial evaluations/ performance reports include statistical information on reversal rates, etc.)

### Arizona

<http://www.azcourts.gov/statistics/AnnualDataReports/2009DataReport.aspx> (Annual Reports are broken down by jurisdiction, not judge.)

### Arkansas

[http://courts.state.ar.us/aoc/annual\\_reports.cfm](http://courts.state.ar.us/aoc/annual_reports.cfm) (Annual Reports provide caseload information broken down by jurisdiction.)

### California

<http://www.courtinfo.ca.gov/reference/re-sandstats.htm> (General information and aggregated data is accessible, but to get to individual judge level data, password protected access is required.)

### Colorado

[http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep/Page\\_ID/268](http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep/Page_ID/268) (Statistical information broken down by court type, but few jurisdictional specific statistics indicated.)

### Connecticut

<http://www.jud.ct.gov/statistics/> (Statistics are broken down by local jurisdiction)

### Delaware

<http://courts.delaware.gov/AOC/?publications.htm> (Statistical data in the annual reports is aggregated by local jurisdiction.)

### Florida

[http://www.flcourts.org/gen\\_public/stats/index.shtml](http://www.flcourts.org/gen_public/stats/index.shtml) (Data is broken down by local jurisdiction, but not to judge level.)

### Georgia

[http://www.georgiacourts.org/index.php?option=com\\_content&view=article&id=124&Itemid=87](http://www.georgiacourts.org/index.php?option=com_content&view=article&id=124&Itemid=87) (Caseload reports are broken down by local county)

### Hawaii

[http://www.courts.state.hi.us/news\\_and\\_reports/reports/reports.html](http://www.courts.state.hi.us/news_and_reports/reports/reports.html) (Statistical reports are included on this page and do not break down statistical numbers by local jurisdiction or judge.)

### Idaho

[http://www.isc.idaho.gov/annual\\_cov.htm](http://www.isc.idaho.gov/annual_cov.htm) (Annual reports include statistics and data broken down to the county level, not the judge level.)

### Illinois

<http://www.state.il.us/court/SupremeCourt/AnnReport.asp> (Annual reports do not contain judge level data.)

### Indiana

<http://www.in.gov/judiciary/admin/courtmgmt/> (Statistical Reports offered detailed statistical information (more detailed than other states) broken down by jurisdiction and court type, but not by judge.)

### Iowa

<http://www.iowacourts.gov/Reports/> (Limited statistical information on the judiciary is available and not broken down by jurisdiction.)

### Kansas

<http://judicial.kscourts.org:7780/stats/> (Annual Reports offer some statistical information broken down by judicial district.)

### Kentucky

<http://courts.ky.gov/aoc/courtservices/record-sandstatistics/rsreports.htm> (Reports broken down by court type and county.)

### Louisiana

[http://www.lasc.org/press\\_room/annual\\_reports/default.asp](http://www.lasc.org/press_room/annual_reports/default.asp) (Reports under Supreme Court include statistics for lower court jurisdictions broken down by jurisdiction, not judge.)

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### Maine

[http://www.courts.maine.gov/maine\\_courts/annual\\_reports/index.shtml](http://www.courts.maine.gov/maine_courts/annual_reports/index.shtml) (Annual reports provide statistical information by jurisdiction, not judge.)

### Maryland

<http://www.courts.state.md.us/publications.html#reports> (Statistical reports are not broken down to judge level data.)

### Massachusetts

<http://www.mass.gov/courts/sjc/case-stats.html> (Limited statistics, only for the Supreme and appeals courts, are available (no trial level data).)

### Michigan

<http://courts.michigan.gov/scao/resources/publications/reports/summaries.htm#statsupp> (Published summary reports, often broken down by local jurisdiction.)

### Minnesota

<http://www.mncourts.gov/?page=519> (Annual reports provide statistical information; not broken down by judge.)

### Mississippi

<http://www.mssc.state.ms.us/reports/reports.html> (Annual reports provide statistical information, but not broken down by jurisdiction or judge.)

### Missouri

<http://www.courts.mo.gov/page.jsp?id=296> (Circuit supplements provide information by local jurisdiction.)

### Montana

<http://courts.mt.gov/supreme/measures/default.mcp> (Limited statistical measures; only under those described as “performance measures” but not broken down by jurisdiction or judge.)

### Nebraska

<http://supremecourt.ne.gov/community/adminreports/index.shtml> (Annual Reports are broken down by local jurisdiction; Weighted Caseload Reports offer some judge level data.)

### Nevada

**Supreme Court:** <http://www.nevadajudiciary.us/index.php/supreme-court-statistics> (offers statistical information like types of cases on appeal); **Annual reports:** <http://www.nevadajudiciary.us/index.php/viewdocumentsandforms/AOC-Files/Research--and--Statistics-Unit/>

### New Hampshire

<http://www.courts.state.nh.us/cio/index.htm#reports> (Reports offer limited jurisdiction specific information.)

### New Jersey

<http://www.judiciary.state.nj.us/quant/> (Court Management Statistical Reports provide jurisdiction level data.)

### New Mexico

<http://www.nmcourts.gov/newface/annualrp/index.html> (Statistical addendums provide jurisdictional level data.)

### New York

<http://www.courts.state.ny.us/reports/annual/index.shtml> (Annual Reports offer only limited jurisdictional specific data and no judge specific data.) More jurisdictional specific statistical information can be obtained by clicking on the links to individual courts from the NYCourts home page—<http://www.nycourts.gov/courts/>

### North Carolina

<http://www.nccourts.org/Citizens/SRPlanning/Statistics/Default.asp> (Trial Court caseload data is jurisdiction specific.)

### North Dakota

<http://www.ndcourts.com/court/annual.htm> (Annual Reports include jurisdiction specific data)

### Ohio

<http://www.supremecourt.ohio.gov/Publications/default.asp> (Statistical Reports listed under the heading “Courts Statistical Reports.”)

### Oklahoma

No statistical information found on court website.

## Oregon

<http://courts.oregon.gov/OJD/OSCA/statistics.page> (Several different statistical reports are listed; many list data and statistics by jurisdiction, but not by judge)

## Pennsylvania

<http://www.courts.state.pa.us/T/AOPC/ResearchandStatistics.htm> (Caseload statistics are broken down by local jurisdiction.)

## Rhode Island

No court statistics found on state judiciary website.

## South Carolina

<http://www.judicial.state.sc.us/trends/> (Statistical Trends over time—not broken down by jurisdiction.) <http://www.judicial.state.sc.us/annualReports/> (Annual Reports are grouped by jurisdiction.) <http://www.judicial.state.sc.us/monthlyReports/> (Monthly Reports are grouped by jurisdiction.)

## South Dakota

<http://www.sdjudicial.com/courtinfo/annual-report.aspx> (Annual reports provide caseload information by local jurisdiction.)

## Tennessee

<http://www.tsc.state.tn.us/geninfo/COJ/COJindex.htm#annualReport> (Annual statistical reports are not broken down by jurisdiction.)

## Texas

<http://www.dm.courts.state.tx.us/oca/reportselection.aspx> (Trial Court Judicial Management System allows you to run a variety of statistical reports based on jurisdictional-level data.); <http://www.courts.state.tx.us/pubs/AR2009/toc.htm> (Annual reports allow you to break down statistical information to a variety of jurisdictional-level measures.)

## Utah

<http://www.utcourts.gov/stats/> (Utah Courts Caseload Reports are broken down by local jurisdiction.)

## Vermont

<http://www.vermontjudiciary.org/JC/Court-Statistics.aspx> (Statistical Reports broken down by local jurisdiction.)

## Virginia

<http://www.courts.state.va.us/courtadmin/aoc/judpln/csi/home.html> (A variety of caseload statistics are offered and can be broken down by jurisdiction.)

## Washington

<http://www.courts.wa.gov/caseload/> (Caseload Reports offer a variety of statistical reports broken down by jurisdiction)

## West Virginia

Unable to find judicial statistics on state courts website.

## Wisconsin

[http://www.wicourts.gov/supreme/sc\\_statistical.jsp](http://www.wicourts.gov/supreme/sc_statistical.jsp) (Monthly caseload reports from the Wisconsin Supreme Court); <http://www.wicourts.gov/other/appeals/statistical.jsp> (Monthly caseload reports from the Wisconsin Court of Appeals.); <http://www.wicourts.gov/about/pubs/circuit/circuitstats.htm> (Monthly caseload reports from local circuit court jurisdictions.); <http://www.wicourts.gov/about/pubs/municipal/municipalstats.htm> (Statistical Reports from the Municipal Courts of Wisconsin.)

## Wyoming

<http://www.courts.state.wy.us/Statistics.aspx> (Court statistics include caseload weights for local jurisdictions.)

## \*\*Washington, D.C.

<http://www.dccourts.gov/dccourts/about/documents.jsp> (Annual Report can be found here, but data is only aggregated in the statistical summary.) **LLL**

# More Nancy Drew than Marian the Librarian: Hunting for Vital Records Online

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The research I do as a law librarian at the Department of Justice often makes me feel more like a private investigator than a librarian, and is a big part of what makes my work so interesting and rewarding. Attorneys and support staff are used to consulting a librarian when they need help finding books or articles, or with legal or legislative history research. They don't always think about consulting a librarian when they need more factual research. But librarians' skills are uniquely suited to the creative searches and persistence that some of these difficult public records questions require.

A case in point is the section of the Civil Division that handles Radiation Exposure Compensation Act (RECA) claims. The Act provides compensation to individuals who contracted certain cancers and other serious diseases following exposure to radiation released during above-ground atmospheric nuclear weapons tests or while employed in the uranium industry during the build-up to the Cold War. In the case of a deceased claimant without a surviving spouse, RECA requires that compensation be divided equally among each natural, adopted, and step-child of the decedent. The monetary distribution can be delayed significantly if the staff is unable to identify and locate the next of kin. They need to find all potential children or step-children of the decedent and they also need copies of official records of marriages, divorces, births, and deaths. The section uses investigators to help track them down, but the information they have is usually incomplete and they often hit dead ends. Once someone on the staff thought to ask a DOJ librarian for assistance, they quickly realized we could hunt down information that previously eluded them. Since then, they have sent us numerous requests and we've been able to find information on almost all of them, some involving cases which they had been trying to close for years. What follows are a few tips and tricks I have acquired while doing this kind of research.

## Marriage and Divorce

Many of the requests I've received are for information on claimants who have had multiple spouses. With those requests, I typically start with marriage and divorce records to try to get a timeline of when and where the person was married and divorced. Divorce records might have information about children and custody. Just knowing in which county the marriages and divorces occurred is helpful to the RECA section, because they need to obtain the official records from the source.

I usually start with Lexis/Accurint and Westlaw. Each database has unique records, even if they both cover the same jurisdictions. For example, both have records for Cuyahoga County, Ohio, but I found a marriage record from 1976 in Westlaw that wasn't in Lexis, and I found a divorce record from 1990 in Lexis that was not in Westlaw. The marriage and divorce records in the databases often provide the date and county, as well as the names, ages and/or dates of birth of the parties. When doing this kind of research, you realize pretty quickly that you have to take alternative spellings into account. In one case, I was searching for information on someone named Lorain, and of the three marriage/divorce records I found in Lexis and Westlaw, each one spelled her name differently.

Next, I look at Web sites that provide state and county-level records. Many of these sites are set up for genealogists, but don't assume that means you'll find records only from the 1800s. One example is the Western States Marriage database (<http://abish.byui.edu/specialCollections/westernStates/search.cfm>), a very useful site from BYU that includes marriage and divorce records from twelve states in the Western part of the country. I've seen records as far back as 1868 and as recent as 2004. They are not official records, so they should be taken with a grain of salt (I find a lot of spelling errors), but they can help you find where and when a marriage or divorce occurred. A few state governments provide marriage and divorce records online. One example is West Virginia Vital Records Search page (<http://www.wvculture.org/vrr/>), which includes birth, death and marriage records for

The research I do as a law librarian at the Department of Justice often makes me feel more like a private investigator than a librarian, and is a big part of what makes my work so interesting and rewarding.

<sup>1</sup> A version of this article first appeared in the LexisNexis Best Practices for Government Librarians 2010, available at: <http://www.governmentinfopro.com/>.

selected counties and years. The records are scans of the originals.

If you know where a marriage or divorce occurred, you can look for a county database that provides records. One good source is the Free Public Records Search Directory (<http://publicrecords.onlinesearches.com>). After you pick a state, you can choose a county from the drop-down menu. One type of county database I look for is a Recorded Documents search, which is often the database of the county clerk. For some counties, a Recorded Documents database is only land records, but in others the search can include marriage licenses, divorce records, probate records, and pretty much any official record related to the person from that county. Many of the databases go back to the 1970s or even earlier. SearchSystems.net (<http://publicrecords.searchsystems.net/>) is another great resource. In addition to county and state records, it also has a section of foreign public records

Another place to look for county level marriage records specifically is GenWed.com (<http://www.genwed.com>), a genealogy site. Although many genealogy sites contain links to databases (like ancestry.com) that require a monthly or annual subscription to access them, they often include links to free sites as well. For example, if you go to Ohio page and then choose Cuyahoga County, you'll find a link to a county database with marriage and divorce records from 1810 to 1998. Once you go to that page, you'll find a link to another database with more recent records also.

## Death Records

Death records and obituaries are very helpful for this type of research, since they often list children and stepchildren, and provide information about where the decedent has lived. I typically start with Federal Social Security Death records, which you should be able to find for most people. Records include Social Security Numbers, and usually have information on where the SSNs were issued and where the decedents lived when they died. Both Westlaw and Lexis have databases with these records, but I often use one of the Genealogy sites for these searches.

RootsWeb (<http://ssdi.rootsweb.com>) has an advanced interface that allows you to search by whatever criteria you have. For one case, I was trying to find the son of someone with the first name Rosalie who was born in 1904 and lived in Colorado. Her last name was unknown.

I came up with two possibilities by putting in just her first name, the year of her birth and her last residence state. This is not an exact science. Some of these records might have a first initial instead of first name or names that are spelled incorrectly, but I have found what I needed using this database a number of times.

The SSDI records are very brief, so you need to go to the county or state for more information.

The best site I have found for identifying state and county death records is Death Indexes Online (<http://www.deathindexes.com>). It has information on government and genealogy sites, including death certificates, obituaries, and cemetery records. For example, the Texas page links to Texas Death Certificates 1890-1976 from FamilySearch Record Search. This free site provides scans of original death certificates in PDF that include information on cause of death, parents, and next of kin. In addition to state-level resources, there are listings for each county as well. Some of the county cemetery resources include photographs of the gravestones.

News searching is a good place to start for death notices and obituaries. I search all our subscription databases, as well as the Google News Archives (<http://news.google.com/archivesearch>). Of course, I also use the Google Web search as well. There is a vast network of genealogists who are dedicated to hunting down records and putting them up on the Web for public use. It pays to be creative when searching for these kinds of records in Google. I already mentioned variations in spelling, but it's also important to use different forms of the person's name, including trying a search with last name and then first name. I was reaching a dead end trying to find an obituary for one subject with a fairly common name, and then I tried his last name, first name and middle initial in quotes in Google and found a record for his obituary in the *Cleveland Plain Dealer*. A genealogist had created the site that indexes obituaries from the paper, but the entries were all listed only with the last name and then first name.

Of course, not all, or even most, vital records are available online. If you need to contact or visit a records office in person, there are a number of sites that will help you find the information you need. One of them is VitalRec (<http://www.vitalrec.com/>), another genealogy site. In addition, BRB Publications provide

*continued on page 10*

## Hunting for Vital Records Online

*continued from page 9*

some free information for researchers on their site (<http://www.brbpub.com/freeresources/pubresites.aspx>), but provide even more detailed information to subscribers of their print or online resources.

The research we've done for RECA is just one example of how we can use our skills as librarians to assist attorneys in new ways. At DOJ, we're exploring how we can market research services that might seem to some of our clientele as non-traditional law librarian research, such as

looking for vital records, expert witness research, and asset searching. With databases like Lexis, Westlaw, HeinOnline, and Ebsco on every desktop, we get fewer requests for simple document retrieval, but "needle in a haystack" requests are increasing all the time. These requests have always been my favorite and with so much information now available online, the haystack has become that much larger. We know the skills and experience we have can add value in any organization, but we need to find ways to market our skills to those who still think of us as more traditional legal researchers. **LLL**

## FINANCIAL REPORT

### Treasurer's Financial Report: June 2009-May 2010

*Edward O'Rourke*

LLSDC's fiscal year ended 31 May 2010. The finances are audited and reviewed for accuracy by Thompson and Associates, P.C., CPAs of Rockville, Maryland. Thompson and Associates also prepares the Society's tax returns. Below is a summary of assets, revenues, and expenses. The Joint Spring Workshop figures are excluded from this report.

#### Total Assets:

June 2009:	\$	55,136.68
May 2010:	\$	66,589.01

Revenue (June-May):	\$	76,103.10
Expenses (June-May):	\$	63,117.42

#### Revenue:

Membership (all):	\$	28,600.00
Academic SIS:	\$	1,125.00
Federal:	\$	540.00
Foreign:	\$	330.00
ILL:	\$	580.00
Legislative:	\$	690.00
Private:	\$	2,710.00
Meetings:	\$	5,190.00
GLP Union List:	\$	20,453.10
GLP Union List		
Legislative History:	\$	2,458.71
LRI:	\$	4,689.96

Vendor Donations:	\$	6,200.00
LLDC Event Fees:	\$	110.00
Scholarship Donations:	\$	58.96
Adjustments (Credits):	\$	2,367.37

#### Expenses:

Accountant:	\$	7,200.00
Bank Charges:	\$	1,249.67
Contributions/Gifts:	\$	198.99
Elections:	\$	362.20
Insurance:	\$	546.00
Meetings:	\$	301.44
Federal:	\$	312.35
Foreign:	\$	0
ILL:	\$	0
Legislative:	\$	162.29
Private:	\$	2,418.16
Miscellaneous:	\$	340.00
Parking:	\$	15.00
Peterson Lecture:	\$	2,491.49
Postage:	\$	142.00
Lights:	\$	5,820.00
GLP Union List:	\$	13,613.00
Refunds:	\$	52.87
Taxes:	\$	1,100.07
Scholarships and Grants:	\$	10,697.00
Website:	\$	3,025.00
Refunds—Membership:	\$	65.00
Adjustments (checks):	\$	1,766.44

# LLSDC—Traveling Back and Traveling Forward

*Cameron Gowan, Library Manager, Groom Law Group, Chartered, [cgowan@groom.com](mailto:cgowan@groom.com)*

As we begin a new board year, I want to look back at our 2009-2010 year and thank all of the officers, board members, and committee chairs and members who served with enthusiasm and commitment. Special recognition goes to these extraordinary members for their hard work, creativity, and sharing their connections: Frances Brillantine, Christine Ciambella, Matthew Braun, Shannon O’Connell, Edward O’Rourke, Emily Phillips, Jennifer McMahan, Tricia Peavler, and Judith Weiss. I would also like to commend those members who have stepped forward to serve in 2010-2011. What a talented and diverse group of individuals these boards represent!

Traveling through the year 2009-2010, we can look back on growth, expansion into new areas and fun with our colleagues. We have been sailing along in our boat of progress to position our organization to expand with even more members and in more areas of librarianship. Here are some highlights. Our membership has increased by 20%. We gave over \$12,000 in scholarships and grants. Our operating revenue increased by 20%. We had successful educational events that we co-sponsored with the Law Library of Congress, ASIL, DC/SLA, and the Association of Legal Administrators. Overall, it was a great year for LLSDC.

Also, during this year as President I completed my Master’s in Law Firm Management from The George Washington University, and it has certainly helped me gain a better understanding of management, financial acumen, and leadership skills—skills that I applied to serving on the board of LLSDC. As stated in LLSDC’s Mission Statement, we, as law librarians, must strive to continue our education. I know many of you are actively continuing your education, whether through private academic institutions or seminars offered by professional associations, with the hope that we will be able to learn and share more with each other and contribute to the greater good of the profession.

As I close these pages of 2009-2010 as part of our collective memories, the year becomes a portion of our archives to hand over to the incoming board, which I am ready to support and serve.

Thank you for the opportunity to serve as President. It has meant a great deal to me, professionally and personally, and I shall take many fond memories of this year with me. **LLL**



# The Partisan Librarian: Bringing More than Just Research Skills to the Reference Desk

Steve Young, Reference Librarian, Judge Kathryn J. DuFour Law Library, Catholic University of America, [youngs@law.cua.edu](mailto:youngs@law.cua.edu)

**P**ornography, gun control, abortion, capital punishment, same-sex marriage: all of these are examples of hot button topics, the sort that get the Glenn Becks and Keith Olbermanns of the world overly excited, and which have contributed to the increasing polarization in American politics. Yet these topics are also issues that we, as law librarians, are often asked to research in the course of our day-to-day work. Although we like to think of ourselves as non-partisan in our quest to deliver information to our patrons, is it naive to assume that when we approach certain topics we leave behind our built-in biases or agendas?

I would argue that consciously or sub-consciously we do bring our own thoughts, our own beliefs, and our own value systems to the reference desk, and in the process of answering questions we betray our position of impartiality by providing information that skews one way or another. While I am sure many librarians reading this are exclaiming “I certainly don’t skew my information” or take similar offense to this suggestion, I propose that we avoid being defensive and take a closer look at how we answer reference questions, and perhaps a closer look at ourselves.

The “threat of the available,” Karl Llewellyn’s classic term for “the almost inevitable tendency in any thinking, or in any study, first to turn to the most available material and to study that—to study that exclusively—at the outset; second, having once begun the study of the available, to lose all perspective and come shortly to mistake the merely available, the easily seen, for all there is to see,” provides us with a starting point for this introspection. Often when I have heard reference to Llewellyn’s phrase I have associated it with our patrons (students and faculty), and yet if we are brutally honest with ourselves we know that we all fall into the trap of leaning too heavily at times on our “go to” resources, whether that’s a particular database, a treatise, or even a colleague. Familiarity with a resource certainly has its benefits in terms of efficiency and effectiveness, but it can

also promote laziness in even the best librarians. There have been plenty of times when I have found myself relying perhaps too much on Wright and Miller’s classic treatise *Federal Practice and Procedure* to answer all questions related to procedural issues in the federal courts, or when faced with a question on habeas issues for suspected terrorists having the knee-jerk reaction of searching for a CRS report on point.

While laziness is not exactly a trait we want to adopt as part of our work ethic, it could be argued that this is perhaps the lesser of two evils when compared to the thought of bias or preference creeping into our answers to research questions. I would instead argue that this represents a false choice, and that they are all part of the same problem. Let us take the example of gun control to explore this argument. Just the very phrase “gun control” can be viewed very differently by different people. To some it signifies the government’s attempt to overly restrict the constitutionally protected rights of citizens to own guns; to others it signifies the responsible approach to an outdated and ambiguously worded part of the Constitution. How we answer questions concerning gun control perhaps indicates which one of these views we more clearly identify with. If we are asked for statistics on crimes committed using guns do we turn first to the FBI *Uniform Crime Reports*, the National Rifle Association, or the Brady Center to Prevent Gun Violence? Do we supply our patrons with reports from both interest groups even if we know our patron is primarily interested in advocating for only one side? Do we intentionally try to expose our patrons to other view points? The answer to these questions is that we probably first turn to the resources that we are familiar with, and in so doing we reveal our inherent bias. Our “trust” in these resources has perhaps as much to do with our position on the issue as it does with our professional evaluation of the resource as a reference tool. While we recognize that both the NRA and the Brady Center are interest groups

Although we like to think of ourselves as non-partisan in our quest deliver information to our patrons, is it naive to assume that when we approach certain topics we leave behind our built-in biases or agendas?

and strong lobbyists, we perhaps discount the information supplied by one as too slanted and instead rely on the information supplied by the other as more “reliable.”

Even when it comes to using government information we are still vulnerable to our prejudices. A report issued by the Attorney General’s office when the Attorney General was John Ashcroft might be treated differently than a report issued under Attorney General Janet Reno. Even the decision to favor materials issued by the United States government as opposed to the Canadian, French or British governments may sometimes have less to do with the actual substance of the material and more

to do with a natural preference for resources closer to home.

Our predispositions are not easily overcome—just try re-reading the first sentence of this article and claim that you don’t have a view on any of those issues. The most we can ask of ourselves is that we at least recognize that we all bring more than just our professional research skills to the reference desk. The very act of recognizing this goes a long way to staying true to our non-partisan creed. Consciously or subconsciously the answers we supply and the resources we use in the process of supplying an answer reflect in part who we are. After all, law librarians are humans too. **LLL**



## **LLSDC is grateful to the following organizations that sponsored LLSDC events and activities this year.**

**Westlaw**

**Lexis**

**Washington Express**

**Trak Records and Library**

**Fastcase**

**Hoovers**

# Beyond the Pale: Finding Your Way Back From a Citation Netherworld

*John Cannan, Research & Instructional Services Librarian, Drexel University's Earl Mack School of Law (formerly a Legal Reference Librarian with the Law Library of Congress), [john.cannan@gmail.com](mailto:john.cannan@gmail.com), and Susan McCarty, Senior Research Fellow at University of Maryland School of Law, [SMcCarty@law.umaryland.edu](mailto:SMcCarty@law.umaryland.edu)*

The *Bluebook*, now in its nineteenth edition, is your guide for dispelling the mysteries of legal citation, but sometimes you may find a resource not covered by Bluebook rules. When this happens, you have passed beyond the pale of the *Bluebook's* guidance, into a “netherworld,” requiring you to cobble together a cite from various rules or just your own ingenuity. This article describes a visit to and return from beyond this pale.

You might believe that encountering a resource beyond the *Bluebook's* comforting direction rarely occurs. It happens quite often. For example, I found myself beyond the pale when a student asked how you cite to interpretive guidance for section 1630.2(l) in Title 29 of the Code of Federal Regulations (hereinafter C.F.R.). This is found in the full appendix to Title 29's Part 1630.

The *Bluebook* explains how to cite to the C.F.R. in its Rule 14.2, but it doesn't include how to cite to a C.F.R. appendix. I found two other parts of the *Bluebook* upon which I thought I could rely to get me out of the citation netherworld I found myself in. Rule 3.4, governing appended material, instructs putting an appendix abbreviation after the “largest full subdivision to which the item is appended . . .” The *Bluebook's* introduction also had some guidance, “when citing material of a type not explicitly discussed in this book, try to locate an analogous type of authority that is discussed and use that citation form as a model.” Therefore, I concluded that any cite to Title 29's Part 1630 appendix should read, 29 C.F.R. Part 1630 app. (2009). But in checking how others cited to C.F.R. appendices in law reviews and court documents, I found a lot of diversity in citation that destabilized my confidence.

I therefore decided to consult with Susan McCarty (hereinafter “Sue”), Senior Research Fellow at University of Maryland School of Law and *Bluebook* Diva, who I always beg for assistance in citation matters. Sue also found various

ways to cite to C.F.R. appendices as well, which I include below with her comments:

- 34 C.F.R. pt. 300, app. A.II (2004) [I think the comma is not right]
- 29 C.F.R. § 1630.2(l) app. (2007)
- 29 C.F.R. § 1630 app. at 368 (2007) [I think the page is a little weird, but should have comma before it if it has to be there]
- 45 C.F.R. pt. 84, App. A, at 358 (1997) [no caps for the app.]
- 12 C.F.R. pt. 30, app. B (2006) [again with the comma]
- 29 C.F.R. app. § 1630.9 (2008) [I don't know if the app. is divided into subparts, but I have a feeling this is just backwards].
- 7 C.F.R. § 277 app. A (2007)
- 29 C.F.R. pt. 1630 app. § 1630.2(o) (2006)
- 31 C.F.R. Ch. V, App. A (2005) [a chapter? seriously?]
- 20 C.F.R. §§404, subpt. P, app. 1, 416.925 (2006) [ugly! TMI]
- 12 C.F.R. pt. 3, app. A (2007) [I guess there is a minority rule on the comma, but I don't like it]
- 5 C.F.R. 1300 app. A (1990) [someone forgot their section symbol. tsk!]
- 40 C.F.R. § 51 app. S (2006)

It was reassuring to know I had such good company in trying to puzzle this problem out.

The problem with citing to Part 1630's whole appendix is that it is broken down into separate guidances applicable only to specific sections and subsections within that part. So not all of the part's appendix applies to section 1630.2(l). The *Bluebook's* guidance I had found failed me. The “largest full subdivision” is Part 1630, not section 1630.2(l) and if there are any other analogous types of authority here, I didn't know of any. If I cite just to the whole appendix with its many guidances applicable to other sections, the reader might get confused and find him or herself in citation netherworld with me.

Sue realized the problem but fortunately she had an answer:

“29 C.F.R. § 1630.2(l) app. (2009)” really doesn’t make sense, because while 1630 has an appendix, 1630.2(l) [on page 361 of the C.F.R. volume] doesn’t have an appendix of its own. However, there is a section of the appendix to all of 1630 that refers to subsection 1630.2(l), and that is on page 373 of the volume. I think the correct way to cite that would really be: 29 C.F.R. § 1630 app., at 373 (2009) (explaining the rationale of 1630.2(l)).

That performs the objective of a citation—make it clear where it is found. If it’s necessary to explain what part of the section it is referring to, that can be in the parenthetical.

Phew, case closed.

The lesson from this case is that if you find yourself in citation netherworld, where you are abandoned by the *Bluebook*’s rules and dictates, the best course may be to fall back on the unifying concept behind any citation system—to craft a cite that will allow a reader to easily find the resource you are relying upon to make your point. **LLL**

## BOOK REVIEW

Dawn Bohls, Reference Librarian, Bingham McCutchen LLP, dawn.bohls@bingham.com

Altick, Richard D. **The Scholar Adventurers.** Columbus: Ohio State University Press, 1950. Reprinted with new preface, 1987. (Also available as a PDF through OSU’s Knowledge Bank at <https://kb.osu.edu/dspace/handle/1811/708>).

For this issue of *Law Library Lights* and its focus on research, I couldn’t resist reviewing an old favorite, Richard Altick’s *The Scholar Adventurers*. I read the book many years ago, back when it was recommended by my literary research professor at Georgia State. I thought of it for the first time in ages just last month when, after a few wrong turns and a lot of newly-acquired knowledge about Hong Kong stock exchange disclosures, I managed to reconstruct the pricing of two 1991 transactions involving a Hong Kong corporation (that, for good measure, had changed names numerous times in the intervening decades). The satisfaction in successfully completing a complicated research assignment brought to mind the exploits of Altick’s “scholar adventurers.” The book is about major finds in literary research, but any law librarian who lives for that “Eureka!” moment in a research project will be able to identify with these scholars.

Although he was primarily a scholar of the Victorian period, Altick was genuinely interested in English literature of all eras. For decades, he taught the bibliography and literary research methods course at Ohio State, an ideal assignment to help him keep up with major discoveries since the course requires familiarity with the

latest tools and materials for all areas of literary scholarship.

In *The Scholar Adventurers*, Altick recounts dozens of significant discoveries of primary source materials. The search for documents known or suspected to exist can take years and, sometimes, can span the careers of several scholars. Unlike my typical research projects, which generally take minutes or a few hours, or, at most, parts of a few days to complete, Altick’s description of literary research reminds me why I ultimately opted for a faster-paced career:

Literary research is frequently dull and laborious beyond description, and even the most devoted will admit as much. Much of it ends in despair, because history, however briskly prodded, simply refuses to talk. A great deal of it, furthermore, gives the world nothing but a heap of uninteresting and unusable facts dredged up from the silt where they might just as well have remained until the end of time.

Nevertheless, although I enjoy my work immensely and know that my research results are actually used, I do feel a slight twinge of envy reading about the lucky scholar adventurers who are the subject of Altick’s book. The first chapter, “The Secret of the Ebony Cabinet,” deals with the mystery of a missing heirloom described in the will of James Boswell, famous for his biography of Samuel Johnson, the 18th century poet, essayist, and dictionary compiler (a/k/a lexicographer). Boswell, who had devoted his life to

*continued on page 16*

## Book Review *continued from page 15*

glorifying Johnson's accomplishments, placed those papers that he felt would best cement his own reputation in an ebony cabinet. Boswell died in 1795, but the contents of the cabinet did not come to light until the first half of the 20th century, in a series of discoveries over two decades that Altick manages to stitch together as seamlessly as a well-written detective story, with all of the suspense.

Just a few of the subjects covered in other chapters include the discovery of documents proving that William Wordsworth had an illegitimate child with a French woman; the long and colorful criminal career and various jail sentences of Thomas Malory, the author of the 15th century *Morte D'Arthur*; and the fortuitous copying of the fire-damaged Old English Beowulf manuscript by an Icelandic scholar, saving for posterity parts of the poem that eventually became irreparably damaged as the manuscript decayed further.

Of all the wonderful stories in Altick's book, I think my favorite is the chapter he's entitled "The Case of the Curious Bibliographers." In the early 1930s, two rare book experts, John Carter and Graham Pollard ("the curious bibliographers"), discovered that Thomas J. Wise,

"the then undisputed monarch among early twentieth-century English bibliographers and collectors," was also a very clever forger who'd been passing off phony pamphlets for decades. Altick skillfully weaves a gripping tale that manages to intertwine discoveries involving paper chemistry and type fonts with a book of love poems from Elizabeth Barrett Browning to her husband Robert. Then there's the tense confrontation between Pollard and the aged and ailing Wise, who of course professed astonishment and ignorance at the evidence of his guilt. The question arises as to whether Wise had a collaborator in his misdeeds. Altick examines the potential guilt of the likely suspects. The chapter ends with a vision of Wise in a special form of hell, in which he's assigned to the "Ghastly Library," half of which is made up of genuine rare books and half of forgeries, and Wise's eternal punishment is to detect the forgeries.

Altick passed away just two years ago, in 2008. In its April 12 obituary, the *Telegraph* said of him: "Utterly indifferent to academic trends and impatient with abstract speculation, Altick pursued his curiosity wherever it led him." I think that's probably the true spirit of any scholar adventurer. I hope that we research librarians may all be said to have a little bit of scholar adventurer in us! **LLL**

## LLSDC & AALL ANNOUNCEMENTS

### LLSDC is now on Linked In, Twitter, and Facebook!

The PR Committee is pleased to announce that LLSDC has a presence on Linked In, Twitter, and Facebook. Please feel free to add the association to your LinkedIn page, follow it on Twitter (<http://twitter.com/LLSDC>), and become a fan on Facebook (<http://www.facebook.com/pages/LLSDC/175471305731>). By joining LLSDC in these social media outlets, you can keep current all of the latest information in the D.C. law library community, network with fellow professionals, and make others aware of your affiliation with the organization.

### Get a Free Year of AALL Membership with Nonmember Annual Meeting Registration

New this year AALL is offering nonmembers a complimentary one-year membership when they register for the AALL Annual Meeting and Conference, to be held July 10-13 in Denver. Annual Meeting registration is now open. Be sure to take advantage of this special offer for nonmembers.

### A New AALL Membership Year is Underway—Don't Miss Out!

AALL's new membership year just began on June 1. If you haven't renewed already, be sure you do asap so you don't miss out on valuable member benefits.

**AALL2go, our new online learning center**, brings continuing education programming to your desktop, available 24/7. There are already more than 60 free programs for AALL members, with new content added monthly. Look for the 2010 Annual Meeting and Conference programming to be available on August 5.

AALL's new online Career Center provides advanced resume and job search features, whether you're looking to find or fill a law library position.

AALL is offering a discounted membership rate for AALL members who are recently unemployed (\$56 instead of \$222). Unemployed AALL members should fill out the online form.

For more information or to renew your membership online, view the application form on AALL-NET. If you have any questions about your membership renewal, contact AALL Headquarters at [membership@aall.org](mailto:membership@aall.org) or 312/205-8022.

### **AALL2go Pick of the Month: Competitive Intelligence on a Shoestring**

This hour-long MP3 recording begins with speaker Susan Armstrong of Business Financial Services. She provides a definition of competitive intelligence (CI), i.e., what is going on that can affect your company or industry. No competitor is going to lay out its entire plan to make things easy for you. You must look for indicators. Armstrong's examples include, what does it mean if you find that a supermarket is advertising to hire bankers? For Armstrong's industry, it presaged banks opening in supermarkets. Or, if your research indicates that new personnel are being hired in a specific division of a competitor's company, then it might mean the company is going to branch out in a new direction that you, as its competitor, want to know about. Armstrong then outlines how to package and disseminate the information you gather to give it your stamp.

Next, speaker Sabrina Pacifici, author of the well-known *LLRX* and *Bespacific*, describes how to use her respected and frequently updated *Competitive Intelligence: A Selective Research Guide* for gathering free and/or inexpensive data about competitors. To begin, she closely examines the Microsoft and Bayer corporate websites for the many types of useful CI information they contain. She goes on to review a large number of sites from her CI list that accumulate and aggregate company data.

Find this and more than 60 other free continuing education programs and webinars for AALL members on AALL2go ([www.softconference.com/aall](http://www.softconference.com/aall))! **LLL**

## **TECH TALK**

# **Google Scholar & Case Law**

*Guest Author: Todd Venie, Reference Librarian, Georgetown Law Library, [tmv22@law.georgetown.edu](mailto:tmv22@law.georgetown.edu)*

A lot has been written, and even more has been said, about the addition of case law to the Google Scholar (GS) search engine last November. Comments have ranged from the sensible ("It is useful, but cannot be used by itself"); to the ridiculous ("It will make Lexis and Westlaw obsolete!"). Much of the excitement has centered around the prospect of using the familiar and powerful Google search algorithm to find case law. But questions about the content, and the absence of the valuable finding tools available on Lexis and Westlaw, have cooled the rhetoric over the last few months. Some of those questions have been answered and others have not. This article attempts to assess what we know about the case law on GS, and compare its features to other free sources of legal information on the Web.

I only compared GS to free Web sites which collect case law from multiple courts and jurisdictions, ignoring those devoted to particular courts, such as state and U.S. Supreme Court sites. The five sources of free case law that I have identified are: Google Scholar, Findlaw, Justia, lexisONE, and the Public Library of Law. I compared the sites based on two categories: content coverage and advanced search functions. Since my primary focus was on evaluating GS, my conclusions are restricted to its particular strengths and weaknesses.

### **Content Coverage**

Google Scholar's greatest strength is clearly the scope of its case law coverage. I looked at each site's coverage of both federal and state case law,

*continued on page 18*

and none of the others really comes close to GS (for each site, I relied primarily on its own description of its case law coverage). Most of the sites, including GS, provide full coverage of U.S. Supreme Court opinions, with the exception of Findlaw, which only goes back to 1893. But GS is demonstrably superior with regard to federal circuit and district courts. While two of the other sites cover the circuits since 1950, GS extends to 1923. Even more striking is its coverage of the federal district courts. While Justia does offer coverage of the districts from 2004 forward, GS again contains all of the cases from 1923 to the present. If nothing else, this discrepancy in district court coverage puts Google well in front of the pack in terms of federal case coverage.

GS holds an even greater advantage when it comes to state case law coverage. GS covers supreme court and intermediate appellate opinions for all fifty states, since 1950. Both Findlaw and the Public Library of Law provide state case law, but with coverage generally dating from the 1990s (Findlaw coverage does vary by state). The states also provide their own case law online for free, usually through the home page of the state judiciary, but GS collects all fifty states in one location.

### **Advanced Search Functions**

The advanced search options available on GS can be described as modest at best. Nevertheless, GS still comes out ahead in this category as well. There are essentially three options for specifying which documents to search. First, one can search “Legal Opinions and Journals,” which will search Google’s entire collection of state and federal cases, along with all scholarly articles. This option will return results based on relevance to the search query, and will not differentiate between articles and opinions. There is no option to search journal articles exclusively, or just all case law. They have to be searched together.

The two remaining options allow the user to search either all federal opinions, or one or more states, but not both. So, for example, it is possible to search state case law from Maryland, Virginia, and North Carolina together, but it is not possible to search all Maryland state decisions, along with opinions of the federal courts applicable in Maryland (District of Maryland, Fourth Circuit, and U.S. Supreme Court). The

net result is that a researcher must run multiple searches in order to find all cases applicable in a particular jurisdiction (at least inasmuch as it is an issue which may be addressed by both state and federal courts).

While these options are utterly inadequate for conducting comprehensive legal research, they are still better than those offered by Google’s competitors. Most of the other free sites only allow researchers to search one court at a time, and don’t even offer the chance to search multiple states or federal courts. The Public Library of Law does provide the opportunity to search all federal or all state courts combined, which is similar to the GS set of options.

GS also lacks forms or templates for finding cases by citation, party name, or by authoring judge, but this absence is relatively easy to address. Researchers can use the Advanced Scholar Search page to search by author, or enter the citation or caption as an exact phrase. The other free sites all offer some method for finding known cases, either search forms that recognize citations and party names, by letting users browse by case reporter volume, or by using exact phrase searching as Google does.

According to an interview conducted by Greg Lambert with Anurag Acharya, the Google engineer primarily responsible for GS and its legal material, Google has no plans to expand case law coverage on GS, other than by providing new cases as they are issued. Acharya did say, however, that the search functions of GS will change, and that his team is focused on improving search results.

Even assuming this holds true, and Google does not add additional retrospective case law, GS is currently the best free online source for case law. Its coverage is by far the largest of any on the Web, and while its advanced search options are meager, they are nevertheless at least as robust as those provided elsewhere. Obviously, none of these free sources can be used by themselves to produce competent and thorough research. But for quick, easy, and free access to a large body of case law, GS is clearly the best choice. **LLL**

# Who Are Your Facebook Friends?: Five Pitfalls of Communicating and “Unfriending” on Facebook

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Whether you have a Facebook page or not, you're probably familiar with Facebook. Facebook purports to have over 400 million users.<sup>1</sup> It also notes that “average users” have 130 Facebook friends. Wow! Would those same average users claim to have 130 real (not virtual) friends? If not, then who really are your Facebook friends? In an article called “What’s on the Library’s Mind: Facebook’s Place in the Law Library,” we are asked to “remember that ‘friend’ doesn’t mean the same thing on Facebook that it does in the non-virtual world.”<sup>2</sup> It is possible to have a wide range of Facebook friends including family members, friends, and coworkers. But is this a good idea? This article focuses on the use of Facebook, and how the pitfalls of communicating and “unfriending” on Facebook can affect your professional image.

**Pitfall 1:** I began requesting Facebook friends and unfriending without first deciding if my profile page would be for social or professional networking.

Last year I created a Facebook page for Howard University Law Library in several phases. Facebook requires that a business account be attached to a real person. Essentially, you cannot create a Facebook page for your law library without first creating a Facebook profile for yourself. Therefore, I began with creating a Facebook profile page for myself.

Naturally, I sent “friend” requests to coworkers, since I was creating the Law Library’s Facebook page. Then I began to send “friend” requests to friends and family. Then, people who I know and friends who I had lost contact with began hitting me up to friend my page. It was fun. My profile page became a hearty soup of professional colleagues, with two tablespoons of

family, and three tablespoons of friends. However, almost as quickly as I added some Facebook friends, I considered “unfriending” others as I decided whether my profile page would be for social or professional use.

Lapachet and Rubin advise “don’t take it personally when coworkers reject your ‘friend’ invitations or ‘unfriend’ you,” and that “just like you, your coworkers have an evolving sense of what role Facebook will play in their professional lives.”<sup>3</sup> *Reuters* reports that “unfriend” was named the word of the year for 2009 by the *New Oxford American Dictionary*.<sup>4</sup> Perhaps not as popular as “friending” on Facebook, “unfriending” is a phenomenon that occurs for a number of reasons. One common reason for rejecting a “friend” request from a coworker is that the recipient’s Facebook page may be used only to communicate privately with family and friends. So after some research, I considered “unfriending” my coworkers and using my personal profile page primarily to connect with family and friends. After all, the law library Facebook page would be used for work.

**Pitfall 2:** OMG my IM Facebook messages have turned into Facebook drama.

I quickly encountered a nuisance: IM Facebook chatter. The instant messaging system on Facebook is called “Chat with Friends.” I began getting live instant messages asking “hi Tracy long time no see J.” The greetings were very nice, but the timing became a nuisance because I was signing on to Facebook to create the Law Library’s page. My initial solution was to ignore the “Chat with Friends” chatter. I thought if I ignored the instant messages that were directed to me, my Facebook friends would get

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<sup>1</sup> Press Room, Facebook Factsheet, <http://www.facebook.com/press/info.php?statistics>.

<sup>2</sup> Jaye A. H. Lapachet and Andrea Rubin, “What’s on the Law Library’s Mind,” *AALL Spectrum*, July 2009, at 28.

<sup>3</sup> *Id.*

<sup>4</sup> “‘Unfriend’ Named Word of 2009,” *Reuters*, Nov. 17, 2009, <http://www.reuters.com/article/idUSTRE5AG09H20091117>

the point. We are friends after all. But they persisted, and questions erupted asking “you don’t remember me?!”

In the words of one of my coworkers, “the expectation of instant messaging on Facebook is that users can send and receive messages instantly.” Not replying instantly to IM chatter directed at you on Facebook can cause Facebook drama. It is best to turn the instant message feature off if you do not plan to use it.

So, I IM’ed my Facebook friend David and asked, “How do I turn off the instant message setting on Facebook?” David’s reply was “Oh wow you used to be so much fun, oh well, here’s how you turn it off...” David gave me a simple step to turn off IM on Facebook—pew.

### **Pitfall 3:** Farmville

Facebook is fun. It has several games, quizzes, and applications. As an example, you can play “sim games,” simulation of reality games, like Farmville. On Farmville, you can raise chickens and other animals, and plant crops on the land on your farm in the virtual world. Farmville is a popular game and has over 22 million Facebook fans. There are also traditional puzzle games on Facebook, like Sudoku or Bejeweled, which test your memory skills.

I signed on to Facebook several times over a month to add content to the Law Library’s page. On one occasion, I signed on and browsed my live news feed. I read the status report of Suzzie Q, one of my Facebook friends.

My friend’s status read:

“Suzzie Q just earned a 150K Star Medal in Bejeweled Blitz for the iPhone/iPod Touch!

Suzzie Q earned this medal with a score of 187,250 and her next medal will be awarded at 200k.

💎 14 minutes ago via Bejeweled Blitz.”

One of Suzzie Q’s coworkers commented on her status by writing: “Wow you scored 187,000 points and while you’re at work?”

Suzzie Q replied: “You’re at work too John 😊”

John replied: “I’m on a coffee break 😊.”

Suzzie Q and John’s Facebook conversation shows that people can spend too much time playing on Facebook instead of working. I

thought, “Wow, posting to your personal Facebook page during work is probably not a good idea for so many good reasons.”

### **Pitfall 4:** Profile Pictures Rated G, PG, PG-13, and R.

Early in the process of getting content up on the law library’s Facebook page, I logged in to my account after an absence of about a week. I saw it immediately. The post was from a nice young man with whom I attended church. He is married, and active in his college fraternity. The language of his post was very respectful and upbeat, but the profile picture was not.

When I accepted his friend request, his profile picture was a decorous picture of him proudly standing in fraternity regalia with some of his friends. Apparently, he had changed his Facebook profile picture, and it wasn’t so nice anymore. The new profile picture was of a woman sitting on, or was it crawling across the floor, wearing a smirk and a revealing bikini. I thought, “Roxanne, you don’t have to put on the red light” but if you do please don’t post it on my Facebook page.

Needless to say, I deleted his posting from my Facebook page.

### **Pitfall 5:** Communication on Facebook can be impulsive, prone to assumptions, open to (mis)interpretation, wild, unedited, and potentially permanent on your Facebook Wall.

After Pitfall 4, I looked into using Facebook’s security settings for my page. Once you’ve decided how you will manage your page, when you get friend requests that don’t fit your criteria, click ignore. It seems harsh, but it is probably better than “unfriending” 27 people after you have decided that you’ll use your page to mostly to communicate with family and friends.

In the words of one of my wise colleagues, “most people compartmentalize life, including separating your social image from your professional image.” We should consider doing the same on Facebook as we do in real life. Additionally, a recent article notes that “creditors are checking out what you post to your Facebook and Twitter accounts.”<sup>5</sup> The article encourages Facebook users to review the “profiles of the

<sup>5</sup> “Creditworthy?: Lenders Delve into your Social Networks,” WTOF.com, Jan. 21, 2010, <http://www.wtopnews.com/?nid=111&sid=1869379>

<sup>6</sup> *Id.*

folks you friend and delete people you think could potentially damage your credit or employment reputation.”<sup>6</sup>

### Conclusion

What you say, how you say it, who your friends are and how formally or informally you or they communicate can add or detract from your Facebook page. Remember, on Facebook, your thoughts, the thoughts of your friends, and the

friends of their friends, whom you may not be friends with, are posted live online potentially forever. Therefore, it is good advice to plan before you enter the Facebook world. Decide if your profile page will be for family and friends, a social page, or for professional networking. By doing so, your chances of being confronted with the decision of deleting postings and “unfriending” on Facebook can be greatly reduced. **LLL**

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## Introduction to Federal Communications Law Sources

Sara Kelley Burriesci, Reference Librarian, Georgetown University Law Library,

Communications law is an intriguing field that affects each of us daily. 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 federal communications law, as well as tools for locating those sources. This updated article supersedes the Spring 2007 *Law Library Lights* article of the same title.<sup>1</sup>

### 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, it is presently “charged with regulating interstate and international communications by radio, television, wire, satellite and cable.”<sup>2</sup> Current federal communications law statutes are codified at 47 U.S.C. § 151 et seq. (2006).

### Regulations & Other F.C.C. Documents

F.C.C. regulations are codified in title 47 of the C.F.R., which is revised every October. In ad-

dition 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, and provides a detailed explanation of that decision. 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.

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<sup>1</sup> Sara Kelley, *An Introduction to Federal Communications Law Sources*, Law Libr. Lights, Spring 2007, at 11-13, available at [http://www.llsdc.org/attachments/wysiwyg/1/50\\_3.pdf](http://www.llsdc.org/attachments/wysiwyg/1/50_3.pdf).

<sup>2</sup> About the F.C.C., <http://www.fcc.gov/aboutus.html> (last updated Apr. 9, 2010).

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## Federal Communications Law Sources

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### Sources of F.C.C. Documents

The *F.C.C. Record* is a biweekly 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. Most readers will already be familiar with the workings of Lexis and Westlaw, so the rest of this article describes the resources of the F.C.C. Web site and lesser-known commercial services.

The F.C.C. Web site, available at <http://www.fcc.gov>, provides several useful free resources. First, it offers a daily newsletter, *The Daily Digest* (available at [http://www.fcc.gov/Daily\\_Releases/Daily\\_Digest/2010/](http://www.fcc.gov/Daily_Releases/Daily_Digest/2010/)), that summarizes the previous day’s decisions (including R&Os and MO&Os), speeches, and press releases. You can subscribe to *The Daily Digest* via email by sending an email to [subscribe@info.fcc.gov](mailto:subscribe@info.fcc.gov) that contains the text “subscribe digest Your-first-name Your-last-name.” *The Daily Digest* links to the full-text of summarized documents on the F.C.C. Web site. Second, the *Electronic Document Management System* (EDOCS), available at [http://hraunfoss.fcc.gov/edocs\\_public/](http://hraunfoss.fcc.gov/edocs_public/), provides a mechanism for searching the extensive collection of F.C.C. documents available on the Web site. EDOCS searches metadata such as *Daily Digest* summaries, titles, docket and document numbers rather than searching the full text of documents. It covers documents dating back as far as 1996 and is therefore a good free source

of historic F.C.C. documents. EDOCS does not search comments filed with the F.C.C. by the public. A separate database, the *Electronic Comments Filing System* (ECFS), not only allows users to file their own comments but also to search for comments filed by others. ECFS’s “Search for Proceedings” function allows users to find both comments and F.C.C. documents associated with the various proceedings. Its “Search for Filings” retrieves only the comments. Both the “Search for Proceedings” and the “Search for Filings” provide access by docket number, filer name, “subject” (actually the captioned title of the proceedings), and full-text search. ECFS also offers RSS feeds of new filings for each docket.

The major commercial information service covering federal communications law is *Pike & Fischer Communications Regulation Online*, available at <http://commreg.pf.com/>. *Communications Regulation Online* provides the full text of federal statutes and international agreements relating to communications law. It also includes F.C.C. rules and Notices of Proposed Rulemaking. A 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 portion of the service contains the full text of the F.C.C. decisions (including R&Os and MO&Os from rulemaking proceedings) and court cases summarized in the digest. One especially 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 - ). It is possible to search the entire service or selected portions (e.g., only cases or only statutes and treaties) using proximity operators (i.e., w/n where n is a number of words), truncation, and very basic field searching (title, docket number, document number, or citation).

*TheDCOffice.com* (subscription information available at <http://www.thedcoffice.biz>) is a re-

cent challenger to *Communications Regulation Online*. Like *Communications Regulation Online*, *TheDCOffice.com* offers the full text of federal communications law statutes, cases, administrative decisions and regulations. *TheDCOffice.com* provides no topic classification system and its search engine is less sophisticated than that of *Communications Regulation Online*. However, it has one feature that should prove valuable for attorneys practicing before the F.C.C.: timely F.C.C. docket-tracking capability that includes access to the full-text of new filings. Users are notified of new electronic filings to a docket throughout the day, and of new paper filings that have been scanned into the service once a day. Unlike the F.C.C.'s ECFS docket RSS feeds, *TheDCOffice.com*'s docket tracking service pushes updates via email.

For those whose research is more narrowly focused on Internet issues, Pike & Fischer offers another service called *Internet Law & Regulation*, available at <http://internetlaw.pf.com/>. The materials available in *Internet Law & Regulation* are not limited to federal law sources. The service provides 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 non-governmental organization-issued guidelines). Also included is 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. A digest provides summaries of the cases and decisions, arranged into a topical outline with classification numbers.

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*.

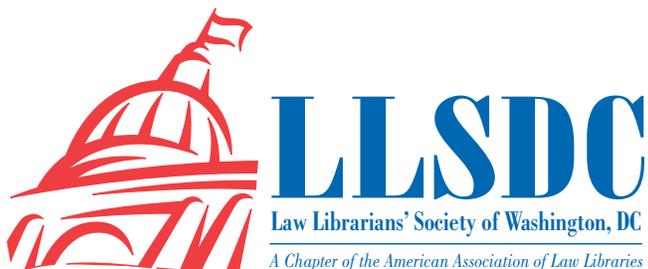
### Selected Treatises

Most communications law treatises focus on narrow areas of regulation such as radio and 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, Broad-*

*casting, 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*, *Communications Regulation Online*, *TheDCOffice.com*, *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. **LLL**



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