

ASL LIBRARY NEWS

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What's New in the Library?

- We'll have special hours during Thanksgiving break. On Wednesday, November 25, the Library will be staffed from 9 am to noon, with card access from 6 am to noon. We will then be closed Wednesday afternoon and all day Thursday for the holiday. We will allow card access on Friday, November 27, from 10 am to 7 pm, and card access on Saturday, November 28, from 10 am to 7 pm. (Please note that the Circulation and Reserve Desk will not be available on Friday or Saturday.) Our regular staffed hours will resume on Sunday, November 29 (11 am to 10 pm).
- And right after Thanksgiving we'll start up our extended exam access. Beginning the evening of Sunday, November 29, students with a valid ID card will be able to access the Library until 2 am instead of midnight. These extended hours will continue through the exam period, ending at 5 pm on Friday, December 11.
- With exams so close, we're going to remind everyone that some people actually do use the Library as a quiet study space. We've been a bit relaxed in our "shushing" – especially during the Legal Process treasure hunt weeks – but with stress levels beginning to increase, we're going to be more vigilant. Please be courteous to your fellow classmates when having (sometimes spontaneous) group discussions or when your cell phone rings.

Reference Notes

by Ethan Atwood, Reference Librarian

If you're still searching for cases for your brief or memo, here's a quick tip to simulate print digest searching using Westlaw. First, select your jurisdiction (e.g., VA-CS). Then click on "Custom Digest" on the upper-right side of the jurisdictional search screen. You'll end up at an outline of all the digest topics. Now select your topic and key number using the plus sign (+) to expand sections. Remember the "k" is the online version of the key symbol in the print digest. Once you've selected your topic and key number, click "Search selected." Now leave the keyword area blank in the next screen and just hit "Search." If you do this, you can browse all relevant case summaries in one go, just like a print digest!

Other News

- It's that time again: Daylight Savings Time ends on November 1. Remember to "fall back" one hour on Halloween evening for one more hour of sleep!
- Many of our first year students have just finished learning the basics of proper citation. One judge in a recent Wisconsin case was pretty upset with the slipshod citation provided in a divorce case, so he threw this in a footnote:

(FN5) Counsel ... cites to an unpublished case assertedly upholding a stipulated damages clause.... [The case cited] indeed is unpublished but it has nothing to do with liquidated damage clauses...; it is a misrepresentation case.... Also, [the citation] is the docket number, which we discovered only after reaching a dead end.... At last, we located the unpublished case.... Different name, different citation, different district (District IV) but, as promised, unpublished. It is a violation of [Wisconsin rules] to cite to unpublished opinions. One reason may be that they can be time-consuming to locate. A \$100 penalty is imposed against ... counsel.

Just so we don't get on the judge's bad side, we'll point out that this case is also unpublished, but available on Westlaw. It's *Espitia v. Fouche*, 314 Wis.2d 507, 758 N.W.2d 224 (table), 2008 WL 4058057 (Wis.App.), 2008 WI App 160.

- Many courts do not allow citations to unpublished opinions, partially because it's so difficult to track them down. It's even harder making sure that the text of the law you can find is absolutely accurate. During the ABA's summer meeting in Chicago this year, one presenter challenged the lawyers in attendance to find the authoritative text of the ten state personal liberty laws in existence during the decade before the Civil War. While many states do post their statutes online, none of them are officially acknowledged as authoritative, and very few have any legislative history of the laws. The panel discussion write-up (with a link to some PowerPoint presentations about the authentication problem) can be found at the *ABA Journal's* online home at http://www.abajournal.com/news/finding_accurate_law_text_online_nearly_impossible_panelists_say_abachicago/
- It's also challenging to research when the cases just suddenly disappear. Late this summer, Westlaw and Lexis deleted several opinions in the personal injury case of *Klein v Amtrak* when the confidential settlement required the judge in the case to vacate his published opinions. The judge did so, and the two database giants removed the now-vacated opinions (this appears to be their usual policy when asked to do so). The original story (which gives a lot of information about the underlying case) is at <http://www.law.com/jsp/article.jsp?id=1202433145853> while the cases can still be found at <http://volokh.com/posts/1250722321.shtml>