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LLMC By-laws Revision Approved

Few will be surprised to hear that the LLMC by-laws revision that was put to a mail ballot last month was accepted by our Member Libraries. Since there was no real controversy involved, most of us expected an affirmative vote. Nevertheless, it is doubly gratifying that a substantial percentage of our Members participated in the process, and that the “Yeas” were almost unanimous. Both the new by-laws, and the process by which they were adopted, will serve us in good stead in our future dealings with government agencies, funding organizations, and potential partners. It reinforces the perception that we are a serious group, on a serious mission, that conducts its business seriously.

Thanks to everybody who participated in the update process. And sincere thanks from all of us to our colleagues **Carol Roehrenbeck**, of Rutgers-Newark and **Bruce Johnson**, of Ohio State, for their leading roles in guiding us along this tortuous but necessary path.

California Records & Briefs On-line

It's stocking-stuffing time and our big gift this year is that the first fruits of our second¹ cooperative endeavor with the Los Angeles County Law Library (LA-Law) have now appeared on line. After a year or more of development effort, making sure that we got all the parts right, we are delighted to be able to announce that California Records and

¹ A reminder to all that our first partnership with the Library has been in place for four years now, with LA-Law's staff operating an LLMC extern scanner that already has captured hundreds of titles and even more volumes for our Common Law Abroad project. That extern scanner program will continue its operations in tandem with the separate records and briefs project.

Briefs (CA-R&B) for 2009 are now available on *LLMC-Digital*. This is just the beginning. Over the next few years we will increase our speed in scanning the materials retrospectively, while the project will capture all new material as it arrives from the courts. So the run will expand backwards and forward in time as we capture, not an arbitrary selection, but rather all of the materials issued. It is estimated that scanning the full historical run will take five to seven years.

This is biggest project that LLMC has tackled to date. It wouldn't have been possible without close cooperation between the LA-Law staff in Los Angeles, the LLMC staff in Hawaii, and the NBS staff in Minnesota. The scale is mind-boggling. The backfile of historical print materials numbers over 77,000 volumes housed on more than five miles of shelving.²

Because of the enormous quantity of materials in prospect, the format in which the records and briefs will be delivered,³ and their unique characteristics, our technical partner NBS has recommended and designed a separate interface for accessing and manipulating these materials online. This new dedicated interface is concealed in the “background” of the regular *LLMC-Digital* interface with which we are all familiar. Patrons navigate seamlessly from the home page of the regular interface to the home page of the dedicated CA-R&B interface in two ways. The legend for the CA-R&B now appears in its logical order in the collection trees in the “Collections” box. It also appears in its logical place in the “Title Search” box as “CA- Jud, California Records

² See the attachment to this newsletter, providing a view of the center aisle of the shelving, which extends eight sections to both the right and left of the aisle. The center aisle shown is a city block long.

³ The records and briefs will be presented to patrons of *LLMC-Digital* in a unified-PDF format, meaning that all of the images for a given document are contained in a single PDF. This presentation is mandated because of the format chosen by the California courts for the eventual future release of all R&B materials in digital format. Therefore the system was designed to be ready to ingest that future attorney-and-court-generated digital data as it becomes available.

& Briefs (all appellate cts., 2009-)”. Which ever way your find it, just click on “Search” to be taken directly to the dedicated CA-R&B interface. (Note that it won’t be evident to most patrons that they have left the regular interface, and also that hitting the “back button” will return them to home.)

Once one gets to the dedicated CA-R&B interface, one sees two search options. On the left hand side is the “Docket Search” box. This tool is geared to the California appeals courts’ docket numbers, the systems by which the courts have kept track of their documents since the 1800s, and under which the print collection at LA-Law was always organized. So those patrons who haven’t focused on the fact before will need to be made aware that the docket number always appears at the head of the opinion in the case reports. Because of court reorganizations over the years, the docket number formats have changed over time. As background for our reference librarians, the schedule of the series that have been used since the beginning is provided below.⁴ How-

⁴ The California appeals process was reorganized over time, and court docket number formats reflected then existing courts and divisions. Below are the changes as they evolved, with [sample docket numbers] for each unit.

Supreme Court - three time frames:

Late 19th Century:

Unified Supreme Court docket number series [1234]

1900 to mid-1980s: four docket number series
 Supreme Court, Los Angeles Division [LA12345]
 Supreme Court, San Francisco Division [SF12345]
 Supreme Court, Sacramento Division [SAC12345]
 Supreme Court, Criminal Docket. [CRIM12345]

Mid-1980s to date:

Unified Supreme Court docket number series [S12345]

Court of Appeals – two time frames:

1900 to mid-1980s: eleven docket number series

1st District, Civil [1CIV123456]
 1st District, Criminal [1CRI123456]
 2nd District, Civil [2CIV123456]
 2nd District, Criminal [2CRI123456]
 3rd District, Civil [3CIV123456]
 3rd District, Criminal [3CRI123456]
 4th District, Civil [4CIV123456]
 4th District, Criminal [4CRI123456]
 4th District, Miscellaneous [4Misc123456]
 5th District, Civil [5CIV123456]
 5th District, Criminal [5CRI123456]

Mid-1980s to date: eight docket number series

1st District, [A123456]

ever, note that, since this scanning project is proceeding backwards in time, we won’t get to the earlier docket number series for some time. Therefore, to avoid confusing patrons, only the docket number series for materials already online are referenced on the site.

The box provided in the right field of the home page is the “Text Search” box. We expect that initially most of our patrons won’t use this feature much, since most of them will know exactly which R&B they want and will utilize the “Docket Search” feature. But the “Text Search” is the tool enabling one to exploit the fact that all of this material is now OCRed and fully searchable, by court division or across the board. We predict that over time this tool will prove a godsend to sociologists, historians and other scholars with the imagination to explore the potential of this great mass of human documentation.⁵

The digitization of the CA R&B represents a major advance in public access. Up to now these materials have been available only to

2nd District, [B123456]

3rd District, [C123456]

4th District, Division 1 [D123456]

4th District, Division 2 [E123456]

4th District, Division 3 [G123456]

5th District, [F123456]

6th District, [H123456]

⁵ In the near term, even the 2009 R&Bs currently online provide a bouquet of human-interest gems. Here are a few examples provided by Ralph Stahlberg, Ref. Lib. at LA-Law. **Strauss v. Horton**, is the Sup. Ct. decision (46 Cal. 4th 364, S168047), upholding Prop. 8, which prohibits same-sex marriage in California, but validating marriages performed prior to its effective date. In **McMahon v. Craig**, (176 Cal. App. 4th 222, G040324) the court rules that a dog owner can’t recover damages from a veterinarian for emotional distress and loss of companionship. In **Beninati v. Black Rock City** (App. Ct. 175 Cal. App. 4th 650, A121539) the court considers the plea of an attendee at the iconic Burning Man Festival who was injured when he stumbled into the Burning Man effigy, and holds that Defendant owed Plaintiff no duty of care under the doctrine of primary assumption of risk. On the lighter side, in **Cohn v. Corinthian Colleges** (169 Cal. App. 4th 523, G038388) a ungallant baseball fan challenges a Mother’s Day tote bag giveaway as a violation of the California Civil Rights Act, but the court holds that “Gift giving is not the same as usurping rights.”

those with the time and funds to travel to downtown Los Angeles, and sufficiently presentable to make it past library security. They are now being made available to the world. But this project is also an essential step toward the permanent preservation of this valuable resource. The CA-R&B used to exist in seven or eight paper copies spread across the state. In recent decades the number of complete paper copies has declined to the one at LA-Law and a less-accessible copy held by the California State Archives. Now all of this information will be held in multiple backed-up digital copies. In addition, all of the original paper is being stored in LLMC's dark-archive facility in the Hutchinson, Kansas salt mines. Once again, your consortium is setting a standard.

Choosing the Better Browser

Not everybody has a choice. But, for those who do, here is a bit of information on a slowness problem experienced by some patrons of *LLMC-Digital*. These folks reported that the "tree menu" that appears in the "Collections" box in the left hand field of the *LLMC-Digital* home page was loading very slowly. As we tried to troubleshoot the problem, we noticed that all of these people were using Internet Explorer as their browser. So we ran this question past one of the house gurus at our partner NBS. For whatever assistance it may provide, here edited down somewhat is his response:

Microsoft hasn't loaded a technical acknowledgement of this problem, but there are a number of developer blogs and sites that all raise the same point. It boils down to Internet Explorer having difficulty processing the commonly used Treeview Control, which is what NBS employs in the "Collections" window. Because there is a very large amount of data currently presented on LLMC-Digital via that Treeview architecture, and because it doesn't play well with IE, it loads slowly. Unfortunately, given LLMC's ever-expanding list of titles, that problem will only get worse. You may want to tell your users that the Firefox and Chrome browsers do a much better job of processing this control.

Coverage Offered by Google Caselaw

Over the past weeks several members have queried LLMC for details on the recent

announcement by Google that it will begin to offer U.S. caselaw coverage in its free database. While our emerging partnership with Google in selected areas might give a contrary impression, we don't have any inside information on this subject. However, since we get the questions, we might as well share what we found elsewhere on Google Scholar.

Currently, Google Scholar allows you to search and read opinions for US state appellate and supreme court cases since 1950, US federal district, appellate, tax and bankruptcy courts since 1923, and US Supreme Court cases since 1791. Please check back periodically for updates to coverage information.

We don't know why Google chose to stop with 1923 for the lower federal courts, or why it chose to stop at 1950 for the state courts. But we do take seriously the implication in the quote above that soon enough they will likely take their state courts coverage back to 1923 also. Google's plans aside, this would be a good time to emphasize once again that our own *LLMC-Digital* offers far more complete coverage for pre-1923 U.S. caselaw than any other online service. We haven't hit 100% coverage yet, but we're in the very high 90s, and steadily filling in the last remaining gaps. We invite you to take a fresh look. Maybe it's time to update your patrons.

Institution-wide Coverage

Two somewhat more surprising questions that we received last month related to dissemination within the host institution for law school subscribers to *LLMC-Digital*. From the beginning, one of the major bonuses offered to our academic-library subscribers has been that they can offer our service to everybody – faculty, students and staff – directly connected to their college or university. Nevertheless, the fact that we are still getting questions on this indicates that the message didn't get out to everybody. If you have the slightest doubt whether your institution is benefiting from this program, please contact our Business Manager, Debbie Bagwell, at llmc@llmc.com and she will confirm which IPs have been submitted for your school.

Getting Our Face on Facebook

How "with it" can ya get? At the advanced age of 33, our venerable consortium now has

a presence on Facebook! We made this technological leap with the help of a youngish staff member.⁶ But that's of course. Anyway, we've made the plunge and now have another platform on which to feature our message. Hopefully this forum will help get us on the radar of a younger demographic. Who knows? If we help some of them with their grade school civics papers, they might remember us when they get to law school. As for those of us in the shadow of fifty, this might be just the excuse needed to crash the Facebook scene. Once you've opened an account, just search for "LLMC". You'll find our listing places just below that for the Line Lexington Mennonite Church.⁷

An added plus of this new digital venue is that it lets us offer fare that might be considered too light, or perhaps not sufficiently relevant, on these staid pages. For a start: the initial LLMC-Facebook postings feature a picture of our late beloved colleagues **Roy Mersky** and **Donald Dunn**, and their wives Rosemary and Cheryl, taken in a local eatery a year or so ago during their last visit to LLMC. So there's a precedent. Ya all come visit us, and you too could be on Facebook.

Lobbing for the GPO

For almost as long as the digital era itself, optimists have dreamed of the day when all Federal Government documents would be universally available in digital format. For as many years the GPO itself has been promising to someday digitize its Legacy Collections (the over 2.2 million documents published in paper to date), making them freely available to the world at large. Unfortunately, for far too long that promise has gone unmet because Congress wouldn't, or couldn't, or didn't care enough to provide the financing. So it is heartening to learn that lately there has been serious progress in this area. The GPO has developed an imaginative but realistic plan

⁶ Andy Del Campo. The title for Andy's day-job "Senior Technician," is maybe evidence enough of where our world is heading. See e.g., Isaiah, xi, 6.

⁷ For the record – This is the same group that accounts for LLMC having a ".com" suffix on its corporate online website rather than the more logical ".org". They got there first.

under which it will partner with non-profit agencies, perhaps including LLMC, to digitize all of the Legacy Collections. Even better, it has received a \$600,000 appropriation as startup money for the project. The focus of the action has now shifted to the Congressional Joint Committee on Printing (JCP), which must also give its approval.

Faced with this rare opportunity, two library-focused organizations, ALA and ARL, have submitted strong letters of support for this GPO initiative. However, our own professional group, AALL, has not yet done so.

Acting as one of your frontline representatives in matters of digital access and preservation, LLMC's Board of Directors wrote to AALL's Board last month urging them to take similar supportive action. That letter evoked a response from Kate Hagan, AALL Exec. Dir., stating that "AALL does support the GPO's Federal Digital System and the need to digitize historical government documents to provide broader public access." She referred us to AALL's 2008 submission to the Obama Transition Team that "outlines AALL's support of making government documents available to the public, including FDsys."⁸

We sent Kate's response to our contacts in the GPO, who expressed their gratitude for this support in principle, but who also indicated that it would be extremely useful at this crucial juncture if AALL could provide some more visible evidence of support. As they explained things, given the strong public backing by ALA and ALR, it raises questions among the lawyers on the JCP and their staff when the one library organization with arguably the greatest interest in legally-related government documents appears to be less enthusiastic about the project.

In response to that suggestion, several LLMC administrators sent a jointly-signed e-mail to a group of LLMC's supporters asking them to send e-mails to the AALL President, Catherine Lemann, and the Executive Director, Kate Hagen, urging them to back the GPO project in a more visible and public manner. If

⁸ For the full text, see <http://www.aallnet.org/aallwash/AALLTransition2008.pdf>.

you didn't get one of those LLMC solicitations, it wasn't because we don't consider you a friend and supporter, but rather because we had to act quickly and only had time to approach a limited group. There's still time, however, for you to pull an oar in this worthwhile effort. Please consider writing a short e-mail to Catherine and Kate⁹ requesting a public sign of support, comparable to ALA and ARL, for the GPO Legacy Collections Digitization Project. Thank you very much.

An Illustrative Preservation Story

One hates to muddy the general holiday cheer with gloomy tales, but this one is so fresh and still hurts so much that we just have to get it off our chest. It wouldn't be necessary or helpful to name names. Suffice it to say that this event just happened somewhere in Great Recession U.S.A.

A distinguished, non-legal, research library, a famous center for historical research in its region, has been going through extraordinarily hard times. Staff salaries, already low, were cut by 20%, and work schedules were cut to three days per week. In a further effort to cut costs, staff were ordered on very short notice to start "downsizing" the collections, apparently to free up space needed to repatriate operations housed elsewhere. In the frenzy, over 9,800 "little used" books were summarily tossed. Into the maws of a fleet of dumpsters went a treasure trove of early state documents – Seventeenth to early-Twentieth Century state constitutional convention debates and proceedings, session laws, compiled laws, legislative journals, attorney generals' reports, and other primary legal material.¹⁰

⁹ clemann@courts.stte.ak.us and khagan@aall.org

¹⁰ A sampling of the rare items discarded includes early session laws, legislative journals, and attorney generals' opinions for most of the states and territories going back to the mid-1800s; the debates and proceedings of the statehood constitutional conventions for Arizona (1910), California (1849), Minnesota (1857), Montana (1889), Nevada (1864), New Mexico (1910), North Dakota (1889), Oklahoma (1907), Oregon (1857), and Wyoming (1889); constitutional records for the subsequent conventions of these and many other states; and the constitutional convention records for some of the older states going back as far as

A good friend of LLMC, who lives and works near that library, and has been instrumental in steering much valuable material our way in the past, only heard of the impending calamity on the eve of the carnage. She sped over the very next day only to find that the train was leaving the station. It was way too late to call us. All she could do was grab the odd extra-rare item from book trucks as they flew by. By day's end the bulk of these books, the fruit of generations of collection effort, was lost.

Sadly, at least half of the thrashed titles fit squarely within the ambit of LLMC's current scanning priorities. Given the general date spans for most of the runs tossed, we estimate that from one to two thirds of the books, roughly 4-5 thousand volumes, could have been used to fill gaps in your digital collections. There is no upside to this story. The library in question has been left, in W. H. Auden's words, a "preserved disaster." It will never again be as useful for scholars. As for us, we suffered a squandered opportunity. We probably will recover from that, but it will be over a much longer time, and at much greater cost, than it need have been.

Please believe us. This sort of thing has happened again and again. Far too often we only hear about these mindless "deaccessionings" when it's too late, after the axe has fallen. We move when we can, but we need more "boots on the ground". If you hear rumors of developing depredations in your neighborhood or region, please prick up your ears and pry. Ask snoop questions. Dig a bit. And, if you have actionable suspicion that something stupid is in the works, please let us know the broad details. We'll be glad to take it from there. Given minimal warning, we have sometimes been successful in converting even folks who have never heard of LLMC. Remember, most librarians have preservation in their plasma. They're often looking for saviors. Just give us a chance to talk with them in time. To paraphrase wise old Ben Franklin, the price of preservation is eternal vigilance.

Report from the Donations Committee

1818 for Connecticut, 1821 for New York, and 1837/38 for Pennsylvania. You want to cry!

On a happier preservation note, we have a report from our Donations Committee. As noted in the August *Newsletter*, this committee was established by LLMC's Board at its July meeting. It was charged with developing and implementing a program to encourage and support individual and corporate donations to further the LLMC mission. Volunteers serving on the Committee are Councilors **Judy Gaskill & Jeanne Price**, and Director **Joe Hinger**. Herewith greetings and a status report from Jeanne the Chair:

It's that time of year.... Thinking of the perfect holiday gift? Looking for a way to cut down on holiday wrapping, postage, and trips to the mall? The LLMC Donations Committee wants to help. The committee is working hard to develop a donation program for LLMC, one that capitalizes on the uniqueness of LLMC as a digital resource, and that allows donors to be acknowledged for their support of particular digitization initiatives. The committee already has lots of ideas – donors could 'foster' particular titles; or they might honor mentors, friends, and families by 'adopting' volumes in their names; donation levels might represent support of a particular number of volumes in an LLMC-Digital subject area; etc., etc. As a collection of historical titles from a wide variety of jurisdictions, LLMC-Digital provides lots of opportunities for creative giving. How about adopting a title from your home state!

The committee welcomes additional ideas and suggestions for our donation program from those of you who know how valuable LLMC is. We think that practicing lawyers, librarians, and historians alike might find that giving to LLMC provides a way to support preservation and access to important legal materials, and, even better, enables donors to con-

cretely identify how their donations are put to use and acknowledged.

In the meantime, don't let the temporary lack of an official donation program stop you from thinking of LLMC during the holidays or from spreading the good word to friends and colleagues who are looking for just the right way to exercise philanthropy. Donate now and have a say in how we acknowledge your donation! No amount is too small (or too large). And finally, remember that LLMC is an IRS-recognized 501(c)(3) organization. So donations complying with income tax laws and regulations are tax deductible.

Happy holidays!