

Findings: The e-Newsletter of the Maryland State Law Library

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The Continuing Importance of Books for the Preservation of Cultural Memory

By Steve Anderson

Librarians often hear questions these days, such as, "When will it all be online?" or "Isn't it great that everything is going to be on the web?" Taken together, the widespread public expectation is that we soon will have much of the world's information content at our fingertips. While many libraries and large web search providers, such as Google, are making great strides in this regard, others are analyzing in greater detail the key implication of these questions – that more digital content will provide greater and sustained access to information. Unfortunately, for many reasons, digitization alone does not ensure continuing access to information. There are many obstacles that tend to restrict access to digital information: prohibitions in licensing agreements and the inability of the user to own most digital content; the lack of long term assurance of the preservation of digital resources; the potential failure of the computer hardware, software and networks used to store and display digital content; and uncertainty about future software compatibility with older digital file formats. Consequently, libraries must balance the availability of digital and print resources in order to serve their customers most effectively.

Law libraries play a significant role in the preservation of legal materials. If, for some reason in the future, an electronic resource is no longer operable or available, hopefully a law library will provide access to that resource in an alternative format, such as print. At the Maryland State Law Library, where one essential aspect of our mission is to preserve the collections we build, we take this obligation seriously. The Library's state-of-the-art Special Collections Room," for example, is designed to safeguard the Library's fragile legal and historical books, a few of which are 400 years old. Librarians have a proven track record of preserving – for centuries at a time – our cultural memory, which in the legal sphere includes the case law precedent on which our common law system is based.

By contrast, it is uncertain how institutions, whether individual corporations or large research libraries, will preserve digital legal materials for the next 400 years. Libraries, of course, in most cases do not own outright the content in the online databases to which they subscribe. Rather, libraries and end-users have a license to the online material. Therefore, for the long-term preservation of copyrighted digital material, one must rely on the economic viability and technological sophistication of the copyright holder. Even with the development of "open access" nonprofit and government publication of digital legal materials, there are only the beginnings of standards for ensuring permanent access and authentication. Heightening this concern is a lack of confidence that today's file types and compatible software will continue to be usable or operable long into the future. Of course, digital content – as everyone caught with a power outage in a thunderstorm knows – is only useful when its electronic environment is functional.

Nevertheless, digital content offers substantial benefits to both legal professionals and the public at large. Libraries, such as the State Law Library, also have an obligation to provide as much access to information as is practicable. Books plainly cannot match the immediacy or breadth of access currently offered by well-designed online services. Moreover, so long as some print copies of primary resources are available for verification purposes, most legal professionals can be confident of publishers' online versions of the law.

However, current access should not be confused with long-term preservation. Presently, print is one media format that makes possible such sustainable preservation. If print ceases entirely, without the requisite planning and infrastructure for the coordinated preservation of digital media, posterity's link to the cultural memory of the 21st Century may turn out to be quite tenuous and uncertain. Libraries, on the other hand, by balancing current access and long-term preservation requirements, can serve a critical role in meeting society's information needs, both today and tomorrow.

PIXELS

By Mary Jo Lazun

A New Interface for Lexis

Lexis is sporting a new interface. The new interface includes fewer tabs and white background making for a much cleaner look. The long list of tabs at the top of the page now includes just four: Search, Get a Document, Shepard's, and Other. The list of sources appears much higher on the screen. This is because Lexis moved "Option 1 Recently Used Sources" to a new right column. The new right column also includes Get a Document, Shepardize, Find a Source, and access to LexisWeb and Quick Search.

Thankfully, Lexis has standardized the look of clickable items. In the old interface many links were not apparent because some links were underlined and others were not. Now anything that is clickable is blue. The new interface includes a bit more customization. Lexis will no longer require users have its three default tabs -Legal, News and Business, and Public Records. There is only one default tab. Users can add up to eighteen additional tabs from a list of jurisdictions and practice areas.

Some things have not changed. Lexis has provided a seamless integration. All current tabs, history, and alerts are immediately available in the new interface. There are no changes to how Lexis searches.

Lexis is also trying to integrate LexisWeb within Lexis.com. LexisWeb is a free web site that includes selected free web-based legal materials. Lexis assigns types, topics, and terms to each resource. This makes it possible to quickly narrow the scope of the search by type of source, like a blog or government web site, or by legal term or topic like "expert witness" or "family law."

If you wish to preview the new interface, Lexis has information and screenshots at <http://www.lexisnexis.com/lexisenhancements/>.

Maryland State Law Library Digitizing Historical Task Force Reports

By Katherine Baer

Task forces, commissions and advisory groups play a significant role in evaluating state government policies. These entities are formed either via the Legislature, the Governor or another state agency. They focus on one specific question, research the issues involved and then publish a report outlining findings and recommendations. These reports are often used as the basis for future legislation or regulations, making their accessibility and preservation crucial. The Library has been collecting these publications from their inception and now has over 1,000 reports that date back to the early 20th Century.

The Maryland State Law Library began the digitization process in early 2009 and has just completed Phase II of the project. In Phase I the Library scanned those reports most closely related to changes in the law or to the court system. The goal of Phase II was to include the oldest, most fragile task force reports, including those related to government policy and other state agency operations. There are now over 700 scanned reports, ranging from the 1930's thru the 1990's. These older reports complement our web-born digital collection, [The Chesapeake Project](#). Both the scanned and web-born documents are accessible through the Library's [online catalog](#) and via the Library website's [digital collections page](#). Other digital collections from the Library include the Maryland Rules Committee Meeting Minutes & Agendas, as well as Proceedings of the Maryland Judicial Conference. The Library soon will begin Phase III of the digitization project, finishing up most of the remaining task force reports, starting on Judiciary materials and older reports from the Commission to Revise the Maryland Code. The Library welcomes comments, questions and suggestions from any Library user about these digitization efforts. Please contact katherine.baer@mdcourts or mjlazun@mdcourts.

50 Years with Americas' Most Beloved Lawyer: Atticus Finch in American Legal Literature

By Rudolf B. Lamy

In the 50 years since its initial publication, "To Kill a Mockingbird" has not only never been out-of-print but also was the basis for one of the great courtroom dramas ever to be translated into a major motion picture. The American Film Institute lists "To Kill a Mockingbird" as its #1 all time Courtroom Drama motion picture (<http://www.afi.com/10top10/category.aspx?cat=9>) and 25th on its list of the 100 greatest films of all time (<http://www.afi.com/100years/movies10.aspx>).

Beyond the impact of the book on American popular culture has been its inclusion into American legal literature of all sorts. A cursory search of Lexis' case law database will find 31 instances of the phrase "To Kill a Mockingbird" and 6 for "Atticus Finch." A search of its law review database discovers 100 mentions each of "To Kill a Mockingbird" and "Atticus Finch." In addition, other online databases available here at the Maryland State Law Library provide more references to the novel. "Atticus Finch" was found on LegalTrac in 19 academic journals and 17 magazines, and "Mockingbird" was found in similar numbers. The same search terms were noted in the Index to Legal Periodicals.

Should you decide to read more about Atticus, Scout and Boo, the Maryland State Law Library can help you locate books that can be borrowed or purchased. In fact, the Library itself owns the first edition.

Selected Bibliography of Relevant Resources

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