

A Publication of the Maryland State Law Library

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The Maryland State Law Library  
Presents Its First Newsletter

Welcome to the first issue of *Findings*, the Maryland State Law Library's new quarterly online newsletter. The State Law Library traces its lineage to 1827 when the General Assembly passed "[a]n Act establishing a Library for the use of the Legislature." Since then, the Library has grown to an institution comprised of nearly 500,000 print volumes, more than one dozen online databases, and sixteen talented staff members.

In order to carry out its mission of providing law-related information to the Judiciary, other state agencies, and the public, the Library is striving to create innovative ways to foster information access. In the coming months and years, *Findings* will present short articles about the Library's collections and trends in legal publishing. The staff hopes that you find each issue timely, informative, and relevant. Suggestions for articles, of course, are always appreciated. To drop us a note—or to ask a question of our experienced reference staff—please send the Library an e-mail at [mdlaw.library@courts.state.md.us](mailto:mdlaw.library@courts.state.md.us).

## New Rare Book Room Nearing Completion

By Steve Anderson

The Maryland State Law Library is in the process of expanding its Rare Book Room. The new room, nearly twice as large as the one it replaces, will enable the Library to safely store its prized collection of John James Audubon's "Birds of America" prints. In addition, new shelving and seating will allow Library users to research other classic works that are in fragile condition.

The Library acquired its Audubon prints at the time of their original publication, about 160 years ago. At the time, the State Law Library was known as the Maryland State Library, and its collection plan focused on natural history, geography and history, as well as law and government publications.

However, after 150 years of usage, the prints needed some restoration and a forward-looking preservation plan.

Thanks to the Library's previous director, Mike Miller,

and the Library Committee, the large, "elephant folio"-sized prints are being conserved by the [Conservation Center for Art and Historic Artifacts](#), a Philadelphia-based artwork and document restoration business. The newly treated prints will be housed in a custom-built set of drawers in the new room, which includes state-of-the-art temperature and humidity control. The room also will feature an "FM 200" gaseous fire extinguisher system.

Library users and staff and appellate court personnel have been very patient during the various building phases. The target date for completion is this Spring, and the Library certainly will advertise the new Rare Book Room's grand opening.



## Podcasting and Legal Education in Maryland

By Rudolf Lamy

The [Law Library Association of Maryland](#) (LLAM) had as its November meeting's presentation, **“Welcome to my Pod! or what’s this podcasting all about?”** with speaker Scott Stevens of the Baltimore County Circuit Court Law Library and LLAM President.

[Wikipedia](#), the web-based encyclopedia, defines iPod as follows:

**“iPod** is a brand of portable digital media player designed and marketed by Apple Computer. Devices in the iPod family provide a simple user interface designed around a central scroll wheel.... The bundled software used for uploading music, photos, and movies to the iPod is called iTunes. iTunes is a music jukebox application that stores a comprehensive library of the music on a user's computer, as well as being able to play and rip it from a CD. The most recent incarnations of iPod and iTunes have video playing and organization features. Other forms of data can be added to iPod as if it were a normal data storage device.”

There are already private law firms and corporate and educational institutions using Podcasting to connect with and educate clients and students. Among the legal resources with podcasts already on the web are the American University Washington College of Law, the Hamline University School of Law, the Georgetown University School of law, the University of Southern California School of Law and the United States Supreme Court.

Typically information is recorded in the proper format and loaded onto a web site where it is made available to students, clients, employees, and other interested parties for downloading onto their iPod (or similar) device. Law school lectures, moot court competitions, even important appellate arguments could be made available for download and replay, providing greater access by the general public to judicial systems.

There are still some technical difficulties, as evidenced by the fact that at the writing of this article the LLAM presentation was not yet available online for podcasting. However, as a tool used in conjunction with web sites and blogs, podcasting would seem to have a viable and expanding future role in helping to provide greater access to legal information of all sorts.

## Mary Jo Lazun Joins Library Staff

By Steve Anderson

Mary Jo Lazun began her employment with the State Law Library in December as its new research/state documents librarian. In this position, Lazun will be responsible for the processing of materials received by the Library under the State Publications Depository and Distribution Program. This program is intended to ensure that Maryland citizens have access to publications created by state agencies.

Immediately prior to joining the State Law Library, Lazun was a senior technical information specialist for the NASA Center for Scientific and Technical Information. She also has had experience as an electronic resources access librarian at Towson University and as a website content manager for the U.S. Treasury Financial Management Service.

She is actively involved with the Friends of the Enoch Pratt Library and the Maryland Library Association. She has two bachelor's degrees, one in history and one in education, and her Master of Library and Information Science is from the University of Maryland, College Park.

Please join me in welcoming Mary Jo to the State Law Library!

## Unreported Opinions on Westlaw

By Steve Anderson

In the last few weeks, the Library staff has discovered that there are two types of unreported opinions regularly appearing on Westlaw in the MD-CS file. Researchers should keep in mind that, generally speaking, unreported appellate opinions and trial court opinions should not be used as precedent (see [Md. Rule 1-104](#)).

### Circuit Court Opinions

First, the MD-CS Westlaw file currently contains opinions from the new [Circuit Court Business and Technology Case Management Program](#). On Westlaw, these opinions appear with a citation only to the Westlaw document number (sometimes using the abbreviation "MDBT") and with a notation that the opinions are not printed in the Atlantic Reporter 2d. Opinions from these trial court-level cases, however, should not be considered as precedent (see the [Program's Opinions Page](#) for additional information).

### Unreported Court of Appeals Opinions

Second, from the 1890s to the 1940s, the West Publishing Co. routinely published decisions in the Atlantic Reporter which were officially left *unreported* in the Maryland Reports. You might ask: "And how do you know these cases were unreported?" Well, because the Maryland Reports books published during this period actually contained a section in the back of the volumes termed something such as, "Memoranda of cases decided during the period comprised in this volume and designated by the Court 'not to be reported.'" The Maryland Reports then gave a synopsis, increasingly shorter in later volumes, of the unreported case. Interestingly, the West Publishing Co. acquired and published the full text of the case, a copy of which now appears on Westlaw. However, with only a few exceptions, there are no notations in Westlaw or in the print version of the Atlantic Reporter to indicate that the case is unreported. There instead is only the usual parallel citation to the Maryland Reports version of the case (which, of course, is only the syllabus). While savvy guessers might realize that cases with a high page number and which concern mundane legal issues might be unreported, the only way to determine for certain the status of these cases is to turn to the print version of the Maryland Reports itself.

The first time that these unreported cases were listed in the Maryland Reports was in Volume 23 from 1865. However, at that time—and up through Volume 81 in 1895—the listing of unreported cases was at the beginning of the volume and paginated in Roman numerals. These unreported decisions were included in the inaugural volume of the Atlantic Reporter (First Series) in 1885, beginning with the unreported decisions listed in Volume 64 of the Maryland Reports. From 1885

to 1895, it is relatively easy to determine which cases were printed in the Atlantic Reporter, but unreported in the Maryland Reports--there simply is no parallel citation in Westlaw. However, starting with Volume 82 in 1896, ostensibly because of a new printer and a new State Reporter, the list of unreported cases in the Maryland Reports moved to the back of the volume using the regular pagination. This seems to be where problems begin.

Unreported cases occasionally were listed in the Maryland Reports and printed in the Atlantic Reporter for approximately the next 50 years. It is likely that the last such unreported case was *State ex rel. Burger v. Wright*, 189 Md. 699 (1947), which was published in its entirety at 55 A.2d 332. This Maryland Reports volume was the last one published under the auspices of State Reporter Malcolm J. Coan. Subsequent volumes contained the full per curium opinions in cases denying applications for leave to appeal habeus corpus cases, but did not list unreported cases.

Historically, a case's unreported status did not always bar judges from using the case as precedent. For example, *Burger* was cited positively a few years later by Chief Judge Frederick W. Brune in *White v. Warden of Md. Penitentiary*, 211 Md. 623, at 624 (1956). In the past, appellate judges have cited other unreported cases, too. However, in light of [Md. Rule 1-104](#), researchers today should probably take a more cautious approach to citing unreported opinions.

#### ADDENDUM: The Reported Unreported Opinion

In preparing this article, the author stumbled upon an interesting legal creature—the reported unreported opinion. The 1887 case, *Bratt v. Woolston*, 74 Md. 609, published at 7 A. 563, seems to be an unreported case. While the Maryland Reports version is mis-paginated in the Library's copy, the first page of the case is printed in the volume's Appendix with a notation stating, "This case which was designated by the Court 'not to be reported,' has been reported, and published at the request of one of the counsel in the case who regards the decision as a valuable precedent." Interestingly, it appears to have been "valuable precedent" only once—in a 1943 Connecticut case, *O'Connor v. Chiascione*, 33 A.2d 336, 338, 130 Conn. 304, 307, 148 A.L.R. 169, 169. Unfortunately for later legal scholars, the Connecticut court did not decide whether the Maryland Report's notation meant that the case should be considered to be reported or unreported. Also left unquestioned, at least at the time, was the wisdom of that State Reporter in allowing "publication" upon request by counsel.

## PIXELS

By Donna Wiesinger

Welcome to *Pixels*, the quarterly technology column for the Maryland State Law Library!

As we're inaugurating this newsletter, we're also pleased to announce a new [Courtnet page for the Law Library](#). Here the Judiciary will be able to find: direct links to legal research databases accessible only to Judiciary employees, links to other useful law-related sites on the internet, current awareness services covering legal literature, the Library's online catalog (MOLLIE) and contact information for library reference assistance. The [Law Library's Courtnet page](#) is designed to give you quick links to frequently used resources, all of which are available from your desk!

In future columns, we'll explore various library databases, learn about online searching techniques, discover computer tips and tricks that may make your work easier, and discuss technology trends and online database products that are available, even if they aren't yet part of the library's collection. We'll also try to keep you informed when we add new databases to our collection or when major changes are coming to currently-held titles.

If you have ideas for columns, or have particular interests in mind, please let us know. Contact Donna Wiesinger (Systems / Legal Research Librarian) at 410.260.1435 or via email at [Donna.Wiesinger@courts.state.md.us](mailto:Donna.Wiesinger@courts.state.md.us).

Help Guide: Master List of Superseded Volumes of the  
*Maryland Annotated Code*

By Catherine McGuire

This list has been compiled by cross-checking the collection of the Maryland State Law Library against the list provided in "Pimsleur's Checklists: Basic American Legal Publications," which was last updated in 1998.

## The Revised Code (Red Volumes)

Article titles are listed alphabetically. Dates of volumes published follow in a row. The last date, in bold, indicates the current volume for that Article.

Agriculture: 1974, 1985, **1999**  
Business Occupations & Professions: 1989, 1995, 2000, **2004**  
Business Regulation: 1992, 1998, **2004**  
Commercial Law (I): 1975, 1992, 1997, **2002**  
Commercial Law (II): 1975, 1983, 1990, 2000, **2005**  
Corporations & Associations: 1975, 1985, 1993, **1999**  
Correctional Services: **1999**  
Courts & Judicial Proceedings: 1974, 1980, 1984, 1989, 1995, 1998, **2002**  
Criminal Law (I): **2002**  
Criminal Law (II): **2002**  
Criminal Procedure: **2001**  
Education: 1978, 1985, 1989, 1992, 1997, 1999, 2001, **2004**  
Election Law: **2003**  
Environment: 1987, 1993, **1996**  
(note: in 1996 this Article was split into two volumes)  
Estates & Trusts: 1974, 1991, **2001**  
Family Law: 1984, 1991, 1999, **2004**  
Financial Institutions: 1980, 1986, 1992, 1998, **2003**  
Health - Environmental: 1982  
(note: this Article was renamed Environment in 1987; see above listing)  
Health - General (I): 1982, 1990, 1994, 2000, **2005**  
Health - General (II): 1982, 1987, 1990, 1996, 2000, **2005**  
Health - Occupations: 1981, 1986, 1991, 1994, 2000, **2005**  
Housing & Community Development: **2005**

## The 1957 Code (Black Volumes)

As the 1957 Code volumes shifted articles from volume to volume as needed for space, it is difficult to place them in straight order. Therefore, the compilation below is listed by volume number and published date, with the Article numbers contained within that volume beside them for additional reference.

Volume 1:  
1957, Articles 1-15B  
1968, Articles 1-15B  
1976, Articles 1-15B  
1981, Articles 1-15B  
1987, Articles 1-26A  
1990, Articles 1-26A  
1994, Articles 1-26A  
1996, Articles 1-26A  
1998, Articles 1-26A  
2001, Articles 1-26A

Volume 2:  
1957, Articles 16-26  
1966, Articles 16-26  
1981, Articles 16-26A  
1992, Article 27  
1996, Article 27

Volume 2A:  
1973, Articles 16-22

Volume 2B:  
1973, Articles 23-26A

Volume 3:  
1957, Articles 27-34  
1967, Articles 27-34  
1971, Articles 27-34  
1976, Article 27  
1993, Articles 27A-41  
1997, Articles 27A-41

Volume 3A:  
1982, Article 27

Insurance (I): 1995, 1997, **2003**  
Insurance (II): 1996, 1997, **2002**  
Labor & Employment: 1991, **1999**  
(note: 1991 is the original volume,  
though the spine reads  
"Replacement Volume")  
Natural Resources (I): 1974, 1989,  
1997, 2000, **2005**  
Natural Resources (II): 1974, 1983,  
1990, **2000**  
Public Safety: **2005**  
Public Utility Companies: **1998**  
Real Property: 1974, 1981, 1988,  
1996, **2003**  
State Finance and Procurement:  
1985, 1988, 1995, **2001**  
State Government: 1984, 1993,  
1995, 1999, **2004**  
State Personnel & Pensions: 1993,  
1994, 1997, **2004**  
Tax - General: 1988, 1997, **2004**  
Tax - Property: 1986, 1994, **2001**  
Transportation (I): 1977, 1993,  
**2001**  
Transportation (II): 1977, 1984,  
1987, 1992, 1998, 1999, **2002**

1987, Article 27

Volume 3B:

1976, Articles 27A-34

1983, Articles 27A-34

Volume 4:

1957, Articles 35-48

1965, Articles 35-48

1982, Articles 35-48

1986, Articles 27A-41

1990, Articles 27A-41

1994, Articles 42-53

1998, Articles 42-101

Volume 4A:

1971, Articles 35-42

1978, Articles 35-42

Volume 4B:

1971, Articles 43-48

1980, Articles 43-48

Volume 5:

1957, Articles 48A-66

1964, Articles 48A-66

1968

1986, Articles 42-53

1991, Articles 42-53

1995, Articles 54-101

Volume 5A:

1972, Articles 48A-53

1979, Articles 48A-53

Volume 5B:

1972

1979, Articles 54-66

Volume 6:

1957, Articles 66 2 - 74

1967, Articles 66 2 - 74

1970, Articles 66 2 - 74

1978, Articles 66 2 - 74

1983, Articles 54-74

1988, Articles 54-74

Volume 7:

1957, Articles 75-83  
1965, Articles 75-83  
1969, Articles 75-83  
1980, Articles 75-83  
1988, Articles 75-83C  
1991, Articles 75-101

Volume 7A:  
1975, Articles 75-78D

Volume 7B:  
1975, Articles 79-83

Volume 8:  
1957, Articles 84-101  
1979, Articles 84-101  
1985, Articles 84-101

Volume 8A:  
1964, Articles 84-95A  
1969, Articles 84-95A

Volume 8B:  
1964, Articles 95B-101