

A PUBLICATION OF THE MARYLAND STATE LAW LIBRARY

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## HOW "AUTHENTIC" IS YOUR LEGAL MATERIAL?

BY STEVE ANDERSON

I was honored to have the opportunity a few months ago to attend the [American Association of Law Libraries' Summit on "Authentic Legal Information in the Digital Age."](#) The Summit gathered librarians, government officials from all branches of government, attorneys, professors and national association delegates to discuss how to improve the accuracy and reliability of online legal information. The problem--from a librarian's viewpoint, at least--is a profound one: in an era in which competing sources provide online legal information, which one is the "official" source? How "safe" is this source? If an online source is official, how can it permanently be saved?

Let's look back a few decades and examine legal publishing. State courts issued official reports that contained "*the law*" as written in appellate opinions. There was no question as to its "official" status or its "citability." Moreover, as long as one had the books on a shelf, one could reach far back into history to retrieve precedent. After all, books can last half a millennium or more if treated kindly.

Today, the legal researcher has myriad source options at her disposal. She could, for example, use an unofficial copy of a judicial opinion found in one of a number of locations: Westlaw, Lexis, the Judiciary website and in print in the Atlantic Reporter. Will she use the print volume of the Maryland Reports or Maryland Appellate Reports because she knows that only these titles have an official designation? (See MD. CODE ANN., CTS. & JUD. PROC. § 13-201 et seq.) In reality, probably not (although she should confirm the accuracy of the reproduction). Unofficial sources are often easier to use and the quality is very high, despite unofficial status.

In order to meet the needs of researchers, at least five states have begun to experiment with online-only official sources, usually for administrative codes. However, these states also have not taken steps to ensure the authenticity\* of this online information. This, in turn, raises more questions. What happens when a hacker corrupts a regulation? How can a user compare previous codifications of a regulation? How can a researcher compare an unofficial code (on Westlaw or Lexis, for example) with an official code if there's no notation or certification on the official version to ensure accuracy? What type of certification standard would be used? How will this online information be archived for the next 500 years in an environment that has already seen massive technological shifts in the last two decades?

While government provision of quality, easy-to-use legal resources should be applauded, it also is now time to consider how these questions should be addressed so that material is 100% reliable and future use by later generations is ensured. The discussions held by Summit participants indicated that this is a very challenging area. One answer might be a technical standard. Others argue for a legal standard, in part because legislatures have defined official designations by statute for many years. Another concern was the lack of funding sources for pilot tests to sample some "best practices" or proposed standards. The general consensus was that further communications must follow in order to stay informed of new technologies and procedures and to try to address some of the more problematic aspects of this new publication environment. For now, the [Association of Reporters of Judicial Decisions has offered some commonsense guidelines](#) for this interim period. Hopefully, in the near future, we can provide easily accessible online information that will be reliable and permanent.

\* The Summit's definition of an "authentic text" is found in the [State-by-State Report on Authentication of Online Legal Resources](#):

An authentic text is one whose content has been verified by a government entity to be complete and unaltered when compared to the version approved or published by the content originator. Typically, an authentic text will bear a certificate or mark that conveys information as to its certification, the process associated with ensuring that the text is complete and unaltered when compared with that of the content originator. An authentic text is able to be authenticated, which means that the particular text in question can be validated, ensuring that it is what it claims to be.

## **NEED COPIES OF MATERIALS FROM THE LIBRARY? REQUEST THEM ONLINE AND GET THEM VIA E-MAIL**

**BY MARY JO LAZUN**

The Library now has a new procedure to request copies of library materials. Patrons may submit their requests online. A link to the "Copy Request Form" is located on the Library's home page at <http://www.lawlib.state.md.us>. Once the form is received via e-mail to the Library Reference Desk, staff will locate the material and contact the patron regarding payment. The Library staff is committed to a 24-hour turnaround for material requested before 2:00 pm, business days. The Library can also deliver requested materials digitally, via e-mail, or through the more traditional methods of fax or mail.

The form does require patrons to comply with copyright notice provisions, and payment for materials must be received in advance. To make the payment process simple, the Library now accepts both VISA and MasterCard for payment at a rate of 50 cents per page.\* There continues to be no charge for materials requested by Maryland state government agencies.

This new online process will help the Library achieve two objectives: 1) to provide a quick and verifiable means of distributing needed materials to patrons, and 2) to greatly reduce administrative costs by eliminating the need to bill patrons for requested materials. As we work with this new procedure, the form itself may undergo some minor changes. If you have suggestions or comments please feel free to contact Mary Jo Lazun or Ruth Henderson at 410-260-1430.

\*The library does not accept payment via American Express or Discover and still accepts cash and checks. Fees are set by the State Law Library Committee in conformity with "The Revised Schedule of Circuit Court Charges, Costs, and Fees Established Under Courts Article, § 7-202, Effective October 1, 2004."

# MORE THAN JUST THE ORDINARY LAW AT THE MARYLAND STATE LAW LIBRARY

BY RUDOLF B. LAMY

Are you working on an unusual case? Do you need access to more than just the usual legal resources? If so, then the Maryland State Law Library is the partner you need.

The Library has subscriptions to many of the more novel, infrequently used and difficult-to-find legal resources. We can have you browsing the same resources that might otherwise be found only at law school libraries or at firms that practice specialty work.

In our collection, you can easily access:

- American Maritime Cases (1923- )
- West's Bankruptcy Reporter / with Digest (1980- )
- West's United States Claims Court / Federal Claims Reporter (1983- )
- West's United States Merit Systems Protection Board Reporter (1979- )
- West's Military Justice Reporter (1978- )
- Public Utilities Reports (4th series) / with Digests (1974- )
- West's Veterans Appeals Reporter (1992- )
- Equal Employment Opportunity Commission decisions (1989-1996 on microfiche, [current decisions online](#))

Remember, the Maryland State Law Library offers you more than just the Annotated Code, COMAR and the Maryland Reports. If you need it, we probably have it!

# ***PIXELS***

**BY DONNA WIESINGER**

The Library recently installed scanning technology on one of its microfilm/microfiche reader-printers. Rather than printing paper copies of a bill file, brief, newspaper article or other item that you're researching, you can now "print" the pages to an attached computer, and save them as a file. The image files can then either be saved onto a USB flash drive, or e-mailed via your web-based email client (e.g., Judiciary webmail, Gmail, Hotmail, etc.).

Currently, files can only be saved as .TIFF images, but the Library is planning to add Adobe Professional (as well as WordPerfect and Microsoft Word) to the Microforms Computer, so that users can save their images in PDF format. This capability should be in place by the end of July.

Users should check with their e-mail vendor for guidelines on the maximum allowed attachment size for their e-mail client. For Judiciary e-mail users, the [maximum file attachment sizes are listed on Courtnet](#).

If it turns out that your scanned file is too large to be emailed, you can use Adobe Professional to break the too-large file into several smaller ones, which can then be e-mailed separately. While not as convenient as one large file or saving onto a USB flash drive, it gets the job done!

In the meantime, Library staff can convert the TIFF images into PDF format and will also assist users in breaking apart files which are too large to mail in one piece.

For assistance with this, or for training on our new scanning capabilities, please contact Donna Wiesinger, Head of Electronic Services, at 410-260-1435, or [donna.wiesinger@mdcourts.gov](mailto:donna.wiesinger@mdcourts.gov).

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Library users will also be happy to know that HeinOnline has recently introduced a brand new "look & feel" to their website. Content on the homepage is better organized, and fonts are cleaner. Users can quickly locate desired content via the new tabbed navigation bars for Resources, Searches, Citation Navigation, and where applicable, Tables of Contents. Overall, the interface is trimmer and far more user-friendly than before!

However, HeinOnline does not yet allow users to e-mail documents from within HeinOnline. As before, users still have to save articles to the computer and then transfer them to a USB flash drive or e-mail them via a web-based e-mail program. Also unchanged is the need to download HPrint, the HeinOnline printing helper application, in order to print directly to a Windows printer. However, as a workaround, HeinOnline content can still be downloaded into PDF format for viewing and/or printing with utilities like Adobe's Acrobat Reader.

If you want to learn more about the new HeinOnline interface, look for the new tutorial ("How to Use HeinOnline") under the Options section on the HeinOnline homepage. If you prefer personalized instruction, any of our Reference Staff will be happy to assist you in learning how to use HeinOnline's new features and navigation tools.

If you have any questions about these new sources, or would like to schedule training on the use of any of the databases, please contact Donna Wiesinger, Head of Electronic Services, at 410-260-1435, or [donna.wiesinger@mdcourts.gov](mailto:donna.wiesinger@mdcourts.gov).

# FINDING A PERMANENT HOME FOR DIGITAL STATE PUBLICATIONS

BY MARY JO LAZUN

The State of Maryland, like other states, is now publishing more and more of its material exclusively online. This presents libraries with many challenges. One of these is how to store and preserve materials that are "born digital." The Library is now working on a pilot project to store the digital version of these materials for long-term use. While the Library always has the option to print these digital materials (and it often does), the beauty of these online publications is that they can be used from any computer anywhere in the world at anytime. Digital publications can be searched, shared, and printed with ease.

The major problem with digital state publications is that over the years, these materials may be moved or removed from an agency's web site. To remedy this problem the MSLL is now storing these materials in "Digital Archive," a product provided by OCLC, the purveyor of the nationwide catalog of online library catalogs, WorldCat. The process is fairly simple: selected material is "harvested" from a web site and "ingested" into the archive. Each publication is given a permanent URL. A hypertext link to the material is added to the record in the library catalog, making access to the material permanent, even if it is removed from the original web site.

Materials harvested into Digital Archive are scanned for viruses and are "bit checked" to be sure that the material in the archive is complete. Checks are periodically run on the material to make sure files are still viable. Over the years, as older versions of the file format are no longer readable by current software, files in Digital Archive likely will be migrated so they can be read by the most recent software. If updated software is not available, then software will be developed to emulate the program that was used to read the original document.

The Library has identified over 400 digital state publications that should be included in Digital Archive and is working fast to make sure the material is included in Digital Archive before it is removed from its original web site. First on the list are task force reports and major agency reports. Experience has shown that these "one time" reports are the first to be removed from web sites. Next on the list is to capture annual reports from state agencies and other materials that have a set "publication" schedule.

Coming next issue: Locating state materials that are "born digital." With over 300 different state agency web sites, how does the Library know when new materials are available online?

# UNITED STATES SUPREME COURT MATERIALS GUIDE

BY RUDOLF B. LAMY

Have you ever wondered about the inner workings of the United States Supreme Court? Have you ever needed to know more about the Court but just didn't know where to find what you were looking for? Well, the Maryland State Law Library can help you with your search for information.

Through our public access computer terminals, the Library offers FREE access to Lexis searching for Supreme Court opinions as well as direct access to the [Court's own web site](#).

We also offer access to [Supreme Court Records and Briefs on microfilm](#) through 1998, as well as a fine selection of books and journals covering the work and history of the Court, including the following:

- *Journal of Supreme Court History*
- *United States Supreme Court Reports (Lawyers Edition)*
- *Supreme Court Reporter*
- *United States Reports*
- *The Supreme Court: the personalities and rivalries that defined America* (Companion volume to the recent series broadcast on Public Television)
- *Courtiers of the Marble Palace: the rise and influence of the Supreme Court law clerk*
- Monographs and articles about several important Supreme Court cases are also available in the Library.
  - [McCulloch v. Maryland -- 1819](#)
  - [Maryland v. Craig – 1990](#)
  - [Virginia v. Maryland – 2000](#)

The Library also has information about particular Justices, including biographies of John Marshall; Thurgood Marshall; Lewis Powell, Jr.; William Howard Taft; Felix Frankfurter; Earl Warren and Sandra Day O'Connor, as well as histories of particular Chief Justices' terms (Rehnquist, Burger & Warren) and of the Court in general (*The Brethren* by Bob Woodward).

Whatever you're looking for, the Library is a great place to start "Courting."