

A PUBLICATION OF THE MARYLAND STATE LAW LIBRARY

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ONE STATE DOWN, FORTY-NINE LEFT TO GO!

BY STEVE ANDERSON

Occasionally, legal researchers—whether for clients, law school classes or another purpose—need to compile comparative surveys on the state laws of all 50 states on a particular topic. Many years ago, there were relatively few sources for this type of analysis. Generally, one would peruse law review indices to find a comprehensive article on point. Alternatively (but rarely), a practice-oriented treatise might include a helpful table in an appendix.

A recent posting on the national law librarians' discussion list, "[Law-Lib](#)," made me realize how far we've come as a profession—and as a society. A librarian just queried the list about sources for a survey of tattoo laws in all 50 states. To my amazement, another colleague replied that the National Conference of State Legislatures (NCSL) compiled just such a list (at least as regards minors), hence the web page, "[State Laws on Tattooing and Body Piercing](#)."

As it turns out, there are now many reliable starting points for 50-state surveys. Two print titles are especially helpful. First, the [National Survey of State Laws](#) by Richard Leiter is a well-respected overview of basic topic areas. Second, the annual bibliography, [Subject Compilations of State Laws](#) (Cheryl Rae Nyberg, ed.), covers many more topics in detail. The intrinsic benefit to the Subject Compilations is that it refers the readers to state-by-state surveys in a variety of sources, including law reviews, books and websites.

Several reputable websites also offer topical state law surveys. [NCSL](#), for example, posts lists of current interest to legislators, updated monthly. The [National Center for State Courts' CourTopics database](#) will feature 50-state surveys if available for the topics listed. Occasionally, the Congressional Research Service will compile a national survey on state laws at the request of a legislator. Although not all of these are online, or even easily available, some are now posted on university websites and [OpenCRS](#). Locally, the University of Maryland School of Law, Thurgood Marshall Law Library, retains online copies of [CRS reports on the topics of health law and homeland security](#). In addition, the Harvard Law School Library maintains a useful [Multi-State Legal Research](#) web page. Other national associations, law firms and law school faculty members offer similar surveys in their areas of interest. Lastly, Westlaw and Lexis have launched 50-state survey databases recently, although access depends on one's service contract.

The important factor to consider when searching for 50-state surveys is that they are just a starting point to the primary sources—the state laws themselves. Surveys can be very informative guides, but likely will need to be updated and verified before decisionmakers place final reliance on them. If you need further assistance with your state survey project, just phone (410-260-1430; 888-216-8156) or e-mail (mdlaw.library@mdcourts.gov) us.

FANTASY, FAIRY TALES & URBAN LEGENDS

BY RUDOLF B. LAMY

The Maryland State Law Library is the place from which many people seek answers to their questions about the availability of legal information. Unfortunately for many of those seekers of knowledge, their questions are often based upon a false premise or a misunderstanding of the workings of government. The following overview is an attempt to dispel some of the most popular "urban legends."

Judging by the number of people who contact the Library to ask, a commonly held belief is that Maryland has a law mandating a three-day "right of rescission" or "cooling off period" for purchases made by contract. However, there really is no such universal state mandate. According to a [consumer tip on the Attorney General's web site](#):

Don't assume you can change your mind. Many consumers mistakenly believe all contracts allow you a three-day cooling off period to cancel. This misconception has led to costly mistakes. Generally, there's no cooling off period after you sign a contract. In Maryland, only a few types of transactions allow you three business days to cancel. But even in these cases, never sign a contract unless you're sure about the deal. As many consumers have learned, exercising your right to cancel is not always easy.

The Maryland Door-To-Door Sales Act, which may be found in the Annotated Code of Maryland, Commercial Law Article has in section 14-302 a specific reference to cancellation of a purchase within three days. Such a cancellation applies only to the specific circumstances noted in that Act.

Generally speaking, if the three-day cooling off period is written into your contract then it's in the contract; otherwise it is almost certainly not.

Another question being asked increasingly often is one worded something like this: "Where can I find the law that says that if I mail a payment to my credit card company and it gets postmarked before the due date the company can't charge me a late fee?"

Where exactly this misconception began we have not the slightest idea. However, we have conducted our own search for this "law", and double-checked our finding with both the Attorney General's Office and the library at the General Assembly and found no such "law." We could not even find a bill or proposed legislation that might have started this rumor. The bottom line is that you should send your credit card payments in on time or risk paying the late fees.

Another commonly held misbelief is that there is an "official" Maryland State form for every legal or administrative function. It is true that the Maryland District Courts have many standard forms available either on their [web site](#) or at any [District Court Clerks' Office](#). It is also true that there are some forms mandated in the [Maryland Rules of Procedure](#).

There are not, however, official forms for all legal functions. The common misconception that there are stems in part from the fact that laws and procedures are different in every state. Just because Florida has forms for everything, and online, does not mean Maryland, or any other state, does also.

A somewhat related misconception is that there is a law or statute for everything. There is a difficulty understanding the differences between state laws and also between state and federal laws that accounts for part of this mistaken belief. There is also little understanding of the difference between statutory and common law. Similarly, there seems to be a common misconception that every state in the Union has exactly the same laws as every other state. Why California, Wisconsin, Maryland and Alabama should all have exactly the same laws is a mystery. Yet, somehow that perception appears to be quite common.

Perhaps the most important myth than needs to be dispelled is the one in which the library has become a law office and the library staff are all lawyers giving pro bono legal advice. In reality, the Law Library cannot give legal advice or opinions. However, the staff is happy to assist patrons in finding legal information sources that will help them understand the law just a little bit better. If you need further assistance in verifying a certain "urban legend" of legal nature, just phone (410-260-1430; 888-216-8156) or e-mail (mdlaw.library@mdcourts.gov) us. The library staff is happy to assist.

PIXELS

BY DONNA WIESINGER

We're proud to announce the addition of [Newspaper Archive](#) to our [collection of electronic databases](#). This resource contains exact-image scans of over 2500 historical newspapers from the U.S. and abroad. Most importantly, [Newspaper Archive](#) includes a comprehensive run of the Annapolis Capital (1887-2005). For that reason, it may turn out to be an asset to legislative history researchers. Additionally, other Maryland newspaper are also included, such as the Easton Star Democrat (1973-2004), the Frederick Post (1913-2005), the Hagerstown Daily Mail (1921-1977), the Denton Journal (1870-1965), the Salisbury Times (1929-1975) and a few others.

The user can browse newspaper titles by country/state/city/publication, by exact date or by a range of dates. In addition, searches through either all or a selection of titles can be conducted using keywords or phrases. The results list provides the newspaper title(s) and publication date(s) of the article(s) as well as a brief snippet from the article's content. Clicking on the link for each article brings up a scanned image of the newspaper, just as you would see if you were viewing microfilm or microfiche. The image can then be saved or printed. Users wishing to e-mail articles to themselves must first save the image as a file, then upload the file as an attachment through their webmail program (e.g., Hotmail, Gmail, etc.).

Another beneficial feature about this product is its "Resources" section. [Newspaper Archive](#) staff has compiled lists of newspaper articles on particular subject topics, such as Pearl Harbor, the Holocaust, Abraham Lincoln, Martin Luther King, Jr., Terrorism, etc. This provides an informative trip through history, and can also be useful for research and school assignments.

Users must remember that [Newspaper Archive](#) is intended to be an historical archive, and as such, most newspaper titles stop at least two years before the current date. In addition, not all newspapers in every state are represented, nor does it contain much, if any, material from most of the national and major city newspapers (such as the New York Times, Washington Post, or even the Baltimore Sun). This is due to licensing agreement restrictions between the newspapers and other online vendors. However, [Newspaper Archive](#) does include fairly complete runs of many smaller newspapers not available elsewhere.

For assistance searching, there is a Help link within [Newspaper Archive](#), or you can ask one of the friendly librarians at the Library's Information Desk!

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.

CIRCUIT COURT OUTREACH: A DAY IN THE LIFE: TIPS FOR LAW LIBRARIANS

BY CATHERINE MCGUIRE

It's a popular article and blog topic, a day in the life. A simple Google search of the phrase gets over two million hits. Add "library" to the mix, and the number is cut down to a mere 873,000. Adding the phrase "law library" decreases the number to about 18,000 – still a significant number of hits.

What do we find so fascinating about the details of a particular day in someone's work life? For law libraries, it comes down to the fact that many law librarians are operating on a solo or small number basis. While staff numbers for the academics are generally large, the bulk of law librarians work in organizations with fewer than 10 colleagues present daily, and most smaller than that. Looking at the [American Association of Law Libraries \(AALL\) 2005 Biennial Salary Survey](#), the average number of library personnel across all law library types is fewer than seven. If academic libraries are removed from the mix, that average becomes more like 4 or 5, the lower end in Government (including court) law libraries. As the Survey itself points out, academic libraries account for only 16% of the survey (see page 15 of the Survey). The conclusion to be made is that about 84% of the libraries are functioning with tiny staffs. While the overall numbers of people in the profession is quite large, most of our colleagues are alone or close to it on a daily basis.

It's understandable, given these numbers, that a law librarian would be interested in reading about what other librarians are doing, since there are few people present on a daily basis on whom to pattern one's routines. How do you know you're doing the right things, and in the right way? Should you have an official policy, and if so, what should it look like? What should be included? You read the articles, participate in the blog discussions, monitor the listservs. You talk to your colleagues. There is considerable assistance out there if you look for it.

Professional associations are a primary way to get assistance from others in the business of libraries. The cost of membership is sometimes supported by the parent organization, but even if not, dues in local organizations are frequently affordable. In Maryland, while membership in the national [AALL](#) may be cost-prohibitive for smaller county law libraries, locally-based [Law Library Association of Maryland \(LLAM\)](#) is a mere \$20.00. Sacrificing a mocha every couple of weeks will get you a directory of your peers around the State, as well as access to continuing education and other professional programming.

Another option for court libraries is the [American Association of Law Libraries \(AALL\) Special Interest Section for State, Court and County Law Libraries \(SCCLL\)](#). It has a mouthful of a name, and an equivalent profusion of information and assistance for county law libraries. While membership to [AALL](#) is expensive, non-members can benefit from the public product placed on the [SCCLL website](#). Of significant interest is their [Toolbox](#), a header located on the right side of the screen, which includes links to [best practices](#), the [collection development policies](#) of many member libraries, [sample job descriptions](#), and a link to the [2002 AALL County Public Law Library Standards](#).

Professional organizations hold annual meetings, too, which non-members as well as members can attend. These meetings provide a wonderful opportunity for personal discussions that are otherwise not possible. While some meetings are on a grand scale with hundreds of attendees, others, like our Maryland Circuit Court Libraries Annual Meeting, are very small - but very productive. The meeting provides a hands-on, face-to-face opportunity for library staff, functioning alone or nearly so, to discuss with multiple colleagues the trials, tribulations, and triumphs of their daily routines.

There are many professional development opportunities around the State and online, many if not most of which do not require membership in the hosting organization, though sometimes the fees charged will be a bit lower for members. In addition to [LLAM](#), the [Maryland Library Association \(MLA\)](#), [Special Libraries Association-Maryland Chapter \(SLA-MD\)](#), the [Enoch Pratt Free Library \(EPFL\)](#), [OCLC CAPCON](#) and other entities offer seminars, lectures and training programs to aid law library personnel in every position and level of experience. Each group generally posts calendaring information on the internet to assist in locating programs. Many organizations, including those listed here, now run webinar and online tutorials on various topics designed to make opportunities more accessible for the remote, small, staff-strapped or budget-crunched library.

It is appropriate to note here that the [2001 Maryland Circuit Court Libraries Study Committee Report](#) specifically mentioned professional development opportunities in [Appendix C: Proposed Minimum Standards](#). The Report noted that library personnel "should be given the opportunity to pursue a program of professional development that is relevant to their own needs and interests, as well as the interests of the law library." Furthermore:

The law library staff should be encouraged to participate in local, regional, and national professional law library associations, in online discussion groups, and conferences as part of an ongoing program of professional development and education....The library and its users benefit when the library staff members improve their skills through institutes, post-graduate courses, online discussion groups, online conferences, professional associations and meetings. Such continuing education is accepted in the legal profession and in fact required in many jurisdictions.

-Study Committee Report, Appendix C, III.D, E and comments

In addition to actual coursework and seminars, there is abundant literature that library personnel can peruse for assistance. Many newsletters from professional library organizations are available on the internet at no cost (the [LLAM newsletter](#) is an example of one of these). Websites such as [LLRX](#) and [The Virtual Chase](#) contain articles and news snippets that are very helpful. Some of these can even cross over job responsibility lines (see the [LLRX article by Rick Borstein, Scanning and OCR with Acrobat 8](#), for example) and add continuing education coverage for a librarian's "other" courthouse jobs. Also check out the plethora of blogs on the internet. The [Stark County Law Library \(Ohio\)](#) has an interesting one that covers broad legal news issues, library tips, and software/computer analysis. The University of Wisconsin Law Library website has a [helpful list of law blogs](#).

Of particular interest to Maryland librarians is [Maryland Law](#), a blog maintained by Trevor Rosen at Shapiro Sher Guinot & Sandler in Baltimore. Mr. Rosen's posts include general law and law library information as well as Maryland-specific postings.

Help is out there if you know where to look for it. Searching can take a bit of time, but can also be rewarded by finding a blog posting that's spot-on to your problem, a best practices sample document that really fits your situation, or a seminar in Baltimore that provides a basis for career growth. Law librarians and legal researchers do not exist in a vacuum. There are plenty of colleagues accessible in person or online to assist you over the hurdles.

So, back to the "Day in the Life." Those DITL articles and postings can provide a valuable service element - mental assistance. Your colleagues have experienced your day, your problems and your successes.