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Practicing Reference . . .

Encounters with Sources*

Mary Whisner**

A reference encounter with The Congressional Globe leads Ms. Whisner to ruminate on a librarian's relationship with sources.

¶1 I have been thinking about my relationship with sources. It started a couple of months ago, when I got to use *The Congressional Globe* for the first time in my career. It was a happy day at work, and I want to share my pleasure.

¶2 My *Congressional Globe* experience came up quite simply: one of our professors needed legislative history information about an 1867 statute, so the *Globe* (1833–1873) was an obvious source. Our library happens to have it in paper, so I went down to the basement to poke around. (We also have it in microfiche, but paper is easier to browse, even though microfiche has other advantages.) It took me a few steps to get oriented. I needed to figure out that the *Globe* was arranged by sessions within each Congress, that the act I was researching was from the second session of the 39th Congress, that the index was at the *front* of each volume, and that the index had separate sections for the House and the Senate. Once I saw all that, the indexes quickly led me to pages discussing the professor's bill. I marked the pages and—after assembling other materials (his question had a couple of parts) and writing a cover memo—delivered the volumes to the professor's office.

¶3 Why did this make for a happy day at work? I remembered the title as a predecessor to *Congressional Record* from my government documents class in library school, and I had been vaguely aware that the set was stored in the compact shelving in our basement, but actually using it was special. I enjoyed my quick trip into history. I was not reading some recent, academic discussion of Reconstruction or the changes in federalism that came in the 1860s and 1870s. Rather, I saw the words the members of Congress were speaking when the Civil War was quite recent and the issues of how to structure the federal government were fresh. I liked thinking about the long-ago indexer who made it

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easy for me to find the discussion I wanted. Did he (I assume it was a man) imagine a researcher using his work well over a century later in the year 2000? Finally, I enjoyed the project because I was successful: the professor asked a question, and I was able to answer it. It was rewarding to wheel into his office a book truck with volumes of *The Congressional Globe*, *Congressional Record*, and *Statutes at Large*. He was pleased to get what he needed, and I was pleased to give it to him.

¶14 Later I checked and learned that the *Globe* is included in the Library of Congress's project, "A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774–1873."¹ This is a wonderful project: now anyone with access to the Web can see facsimile pages of the *Globe* (and searchable versions of the indexes). I found that it actually took me longer to find the discussion I needed than when I was using the print index and marking pages with scratch paper, but it still is a wonderful site. The Library of Congress has done us all a great service. I sent the URL to the professor.

¶15 Sources are the tools of our trade. Like many specialists, we reference librarians can get excited about a tool that is well crafted or elegantly suited to its purpose. It is not just Tim Taylor (Tim Allen's character on "Home Improvement")—watch any home repair aficionados discussing their framing tools, power hammers, or miter saws. Likewise, whenever a conversation stalls, just ask a quilter about a special sewing machine foot or ask a cook about this year's Kitchen Aid attachments.² (You could ask a clarinetist about reeds, but you would be as likely to hear bitter complaints as enthusiastic praise.)

¶16 Unlike journalists who sometimes guarantee anonymity to their (human) sources, we reference librarians like to share our (print and online) sources. I love pulling a source off the shelf and introducing it to someone who will make use of it. When we answer questions—over the phone, via e-mail, or in a memorandum—we cite the sources we consulted.³

¶17 In a sense, our use of sources defines our profession. Unlike lawyers, who are supposed to interpret and apply the law (after consulting sources, of course), we concentrate on becoming experts at using the sources. Law students outline their courses, absorbing content so they can state and apply legal rules on closed book exams; our expertise is in knowing sources that summarize, discuss, or crit-

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1. LIBRARY OF CONG., A CENTURY OF LAWMAKING FOR A NEW NATION: U.S. CONGRESSIONAL DOCUMENTS AND DEBATES, 1774–1873, at <http://memory.loc.gov/ammem/amlaw/lawhome.html> (last visited Jan. 2, 2001).
 2. See generally HENRY PETROSKI, THE EVOLUTION OF USEFUL THINGS (1992) (discussing the development of a variety of tools, including paper clips, hammers, forks, and Post-it notes); HENRY PETROSKI, THE PENCIL: A HISTORY OF DESIGN AND CIRCUMSTANCE (1990); HENRY PETROSKI, THE BOOK ON THE BOOKSHELF (1999).
 3. Reasons for citing sources are many: (1) It keeps us honest. We are not tempted to answer from memory. (2) It allows our users to evaluate the information we give them. (3) It educates our users about sources and databases they might use themselves.

icize those rules. Bar applicants memorize their states' important limitations periods. On the other hand, we know that the statutes of limitations are indexed under "Limitation of Actions" in the set of annotated statutes, but we do not try to remember whether it is three years for a contracts action and two years for a personal injury action or vice versa.

¶18 We develop our expertise about sources in a variety of ways. First, we learn in classes. I was first exposed to *The Congressional Globe* when my government documents professor talked about it and then I read a passing mention of it in our textbook.⁴ That sort of learning is limited, though. All I retained was the title and a vague sense that it was like the *Congressional Record* but earlier. My recent experience using the set was a more significant way to learn about it. I saw the volumes on the shelf; I browsed the indexes; I followed index references to the text. Of course, many classes will expose students to sources by using lecture, readings, and experience, each type of learning reinforcing the others.

¶19 Our education continues after we leave the classroom, still combining types of learning. We listen to a speaker at a professional meeting; we read a legal research text; we read an article in a professional journal; we watch a vendor's demonstration in an exhibit hall; we see an ad for a new publication; we attend a training session; we read the announcements on the screens when we sign on to LEXIS-NEXIS or Westlaw. Sometimes we learn about sources when we are not engaged in "reference" duties at all. For example, despite a background in labor law, I learned most about the organization of BNA's *Labor Relations Reporter* during the period when I filed its supplements. All along, we are storing information about sources, knowing that some of it might come in handy one day.

¶10 Like our students and other library users, however, we often find that the lesson of the lecture or the demonstration does not stick unless we have occasion to use the source. And so some of our learning takes place when we are trying to find an answer or help a patron. Interesting as it was to look at legislative debates from 1867, I would not have done it without the impetus of a question. When we are figuring out a source in front of the patron, we have the opportunity to share our confusion—and our approach to learning.⁵

¶11 I value the collegiality in our profession that makes possible an important means of learning: word of mouth. Maybe it has to do with my makeup as a social learner, but I find memorable many of the lessons about sources I received from other librarians. I remember when Penny Hazelton recommended *Federal Procedure* for a variety of federal questions (not just questions I thought of as

4. JOE MOREHEAD, INTRODUCTION TO UNITED STATES PUBLIC DOCUMENTS 142 (3d ed. 1983). The text is now in a sixth edition: JOE MOREHEAD, INTRODUCTION TO UNITED STATES GOVERNMENT INFORMATION SOURCES (6th ed. 1999). My library has the current edition, but the old edition I used as a student is what I have next to my desk.

5. See Mary Whisner, *Celebrating the Virtues of Saying "I Don't Know,"* 91 L. LIBR. J. 861 (1999).

“procedural”),⁶ when Grace Malson showed me the appendix to the *United States Government Manual* that lists former agencies and what became of them,⁷ when Mary Hotchkiss told me that Cibinic and Nash were leading authors in the field of government contracts,⁸ and when Peggy Jarrett explained to me the difference between the red and the gray environmental law loose-leaf sets.⁹ All of these sources have become standards in my reference repertoire.

¶12 These lessons took place in the library where I work. But we can also have such word-of-mouth lessons at a remove. When I was first working as a reference librarian, I read a little book¹⁰ in which Kent Olson and Bob Berring shared some of their favorite legal research techniques in a style that felt like word of mouth. The *Questions and Answers* column in this journal also helped acquaint law librarians with new sources in the context of particular problems the sources could solve. In recent years, e-mail discussion lists have enabled us to share questions and answers across the country and around the world. Participants on Law-lib, Int-law, and other lists commonly post messages asking for help with tough questions; other participants reply, helpfully offering not just the answer, but the source where it could be found. All of us—not just the person who posed the question—learn, gradually incorporating new sources into our toolboxes. Word of mouth is a powerful teacher.¹¹

¶13 In that spirit, I would like to share with readers a few recent experiences with sources—in addition to that fun day with *The Congressional Globe*.

¶14 *Tracking a model act that came and went.* A professor asked my colleague Ann Hemmens to find a model act as it had been adopted in several states, including North Dakota. The trick was that the law had been repealed, so it was not in the current state code. It also was not in the superseded bound volume—

6. *Federal Procedure*, an encyclopedia subtitled “a problem-solving textual analysis of federal judicial and administrative procedure,” is integrated with the *American Jurisprudence* sets and contains cross-references to *AmJur 2d*, *A.L.R.*, and other sets, as well as its close companion, *Federal Procedural Forms, Lawyers Edition*.

7. E.g., OFFICE OF THE FED. REGISTER, NAT’L ARCHIVES & RECORDS ADMIN., UNITED STATES GOVERNMENT MANUAL 2000–2001, at 601 (Appendix B, “Federal Executive Agencies Terminated, Transferred, or Changed in Name Subsequent to March 4, 1933”).

8. E.g., JOHN CIBINIC, JR., & RALPH C. NASH, JR., ADMINISTRATION OF GOVERNMENT CONTRACTS (3d ed. 1995).

9. The *Environment Reporter* (the gray set), published by the Bureau of National Affairs, includes binders with federal statutes and regulations and current cases. *Environmental Law Reporter* (the red set), published by Environmental Law Institute, covers pending litigation and includes more news and in-depth articles.

10. KENT C. OLSON & ROBERT C. BERRING, PRACTICAL APPROACHES TO LEGAL RESEARCH (1988).

11. Word of mouth is so powerful that marketers have used sham personal notes to gain attention for their products. See, e.g., Paula Span, *When ‘J’ Is for Genius: A Direct-Mail Coup*, WASH. POST, July 31, 1995, at D01 (reporting on Georgetown Publishing House’s handwritten notes that say, “Try this. it works! J.”); Bruce Mohl & Patricia Wen, *Latest Tactic for Junk Mail: Getting Personal*, BOSTON GLOBE, Mar. 16, 1997, at B1 (criticizing the marketing technique); Albert B. Crenshaw, *How Direct-Mail Marketers Are Pushing the Envelope*, WASH. POST, Mar. 17, 1996, at H01 (reporting FTC settlement with Georgetown Publishing House); 61 Fed. Reg. 8936 (Mar. 6, 1996) (consent agreement between FTC and Georgetown Publishing House).

apparently its enactment and repeal had been reflected only in pocket parts, which were no longer available in our library. The model law is not in the current volumes of *Uniform Laws Annotated*, because the National Conference of Commissioners on Uniform State Laws withdrew it, declaring it superseded by a later uniform law.¹² It would be tedious to check each year of North Dakota's session laws (which we have in microfiche). Where could Ann turn? I suggested she take a look at the *Handbook* of the National Conference of Commissioners on Uniform State Laws. There she found just the hint she needed. Each year, the *Handbook* includes a table listing all the uniform acts adopted by each state. A *Handbook* from the period when North Dakota had the law in question showed that it had been adopted in 1971.¹³ Knowing the year, Ann could then go to the appropriate session law. I had seen the *Handbook* before but did not know about all of its tables; now Ann and I will both remember this as a source for quirky questions like this.

¶15 *Finding a case with skimpy information.* A public patron asked for help finding a California Supreme Court case. He had an e-mail message that said it was "Stork v. DMV," and involved a professional driver's license. He did not know whether the case was recent or old. I started him with the table of cases in *West's Pacific Digest* and showed him how to work back through the various editions. I encouraged him to look for variant spellings, like "Storck." I told him I would check other sources and get back to him.

¶16 I did not want to rest with the *Pacific Digest* because I saw a couple of ways that his search could go wrong. First, if the e-mail message had the wrong spelling of "Stork," then he could miss the case (especially if the other party was not the Department of Motor Vehicles). It would be hard for him to skim all the variants in all the editions of the *Pacific Digest*. Second, if the e-mail message had the court wrong and the case was actually from the California Court of Appeals, then he could miss it because it would not be indexed in the *Pacific Digest* (and our library does not subscribe to *West's California Digest*). So I left him and tried other tricks. First, I searched LegalTrac, on the chance that the case was famous enough to have had an article written about it. No luck. Then I went to our set of *Cal Jur III*.¹⁴ I thought I might be able to look up a discussion of driver's licenses that would then lead me to the case. On my way to the set's index, I came across a paperbound Table of Cases Cited. In this, it was easy to skim entries

12. Curious? It was the Special Power of Attorney for Small Property Interests Act, promulgated in 1964 and withdrawn in 1981, superseded by the Uniform Probate Code. See NAT'L CONFERENCE OF COMM'RS ON UNIF. STATE LAWS, HANDBOOK OF THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS AND PROCEEDINGS OF THE ANNUAL CONFERENCE MEETING IN ITS 102ND YEAR [1993], at 470, 476 tbl.4 (2000) ("Acts Withdrawn Because Obsolete or Superseded").

13. E.g., NAT'L CONFERENCE OF COMM'RS ON UNIF. STATE LAWS, HANDBOOK OF THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS AND PROCEEDINGS OF THE ANNUAL CONFERENCE MEETING IN ITS EIGHTY-EIGHTH YEAR 357 (1979).

14. This legal encyclopedia is being continued by *West's California Jurisprudence 3d*, beginning in 2000.

under “Storck,” “Stork,” “Storke,” and so on. I took the table of cases to the patron. Since each entry indicated the title of the encyclopedia’s topic where that case was cited, we could guess about the case’s chief issue. I suggested that the patron might look up *Stork v. State*¹⁵ (cited in the Constitutional Law topic) and *Stork, Application of*¹⁶ (cited in the Business Licenses topic). The first case was about retirement benefits for public employees, but the second was about a chauffeur’s license—close enough to a professional driver’s license to be a likely match for the case in the e-mail message.

¶17 I like this trick of using a specialized table of cases to find a case with sketchy information. I have also used it with hornbooks. For instance, if a patron remembers that a famous torts case is named *Palsgraf* but does not know the other party’s name or the jurisdiction, we can check the table of cases in a torts hornbook.¹⁷

¶18 *Finding a source for a journal.* Last October a professor asked whether the library subscribes to *NAELA Quarterly*, the journal of the National Association of Elder Law Attorneys, and if not, “the closest place that does.” (This example shows the ambiguity in the word “source.” To the professor, the journal was the “source” he wanted. But I used several “sources” to find it.) First I checked our catalog: no, the journal was not here. Then I checked OCLC WorldCat. Three law schools in Oregon subscribed, but no libraries in Washington were listed. I telephoned our county law library; it was also not there. I told the professor that if he wanted a particular article, we could request it for him through interlibrary loan, but—knowing this professor—I did not think that fully addressed his question.

¶19 I checked NAELA’s Web site¹⁸ and learned that the *NAELA Quarterly* (and its companion, *NAELA News*) were available for \$95 per year. I suggested he contact our acquisitions librarian if he wanted to subscribe or to have the library subscribe. But what if he just wanted to look at a couple of issues? I noticed that subscriptions are a benefit of membership. And I knew that the professor knows many attorneys in town. So I searched Martindale-Hubbell on LEXIS-NEXIS to find local attorneys who said they were members and I sent him the list via e-mail. I was pleased with my cleverness.

¶20 Two days later, I signed on to Westlaw and saw this message on the Welcome screen:

Find your Elderado: National Academy of Elder Law Attorneys databases now available on Westlaw: NAELAQ (Quarterly), NAELAS-CLE (symposium), NAELAI-CLE (institute) and NAELA (combined materials).

15. 133 Cal. Rptr. 207 (Cal. Ct. App. 1976).

16. 139 P. 684 (Cal. 1914).

17. See, e.g., DAN B. DOBBS, THE LAW OF TORTS 1513 (2000) (citing *Palsgraf v. Long Island R.R. Co.*, 162 N.E. 99 (N.Y. 1928)).

18. *National Academy of Elder Law Attorneys*, at <http://www.naela.com> (last visited Jan. 11, 2001).

I had not even checked for online sources, but here it was. I sent the professor a follow-up message. By then, he had borrowed the issues he needed from one of the lawyers on the Martindale-Hubbell list, someone he already knew well and whose office is near our law school.

¶21 Nineteenth-century congressional debates, a model law that was adopted then repealed, an old California case, and the journal of a professional organization—what lessons can I draw from these disparate examples? First, there is the good news that there is always something new to learn. I have been working in the same reference office for thirteen years, and I keep facing new challenges. Second, I am reminded to keep my eyes open. Even though I thought I had been thorough with both the *Globe* and the *NAELA Quarterly*, I later learned of online sources. The positive part of that experience is that most professors (and, I suspect, lawyers, judges, and others) are happy to get follow-up messages with new information about their questions. Third, coming at a problem from a different angle often gets good results. When the obvious source for the North Dakota law (the current code) did not work, the table in the *Handbook* gave the needed clue; when the tables of cases in the *Pacific Digest* were overwhelming, a narrower table of cases did the job; when OCLC did not turn up a library in-state, the Martindale-Hubbell search helped the professor network with a colleague. Finally, knowing how to use some sources helps us to explore others, building our expertise.

¶22 As specialists in the use of legal information sources, we can take pleasure in using our skills. As we do so, we continue to develop our skills and become familiar with sources that are new (or new to us).

