



Law Library News

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<http://library.law.miami.edu>

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WEBSITE OF THE MONTH

REGULATIONS.GOV

<http://www.regulations.gov>

On January 23rd, Regulations.gov made its debut. This web site serves as an electronic list of all proposed federal rulemakings where the public comment period is open.

The site provides the user a brief description of each rule open for comment, a link to the agency's Federal Register notice with the complete text of the rule, and a web-based comment form that allows for a 4,000-word submission, as well as

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Summer Research – A Refreshing Story by Clare Membiela

It is 5:45 pm on Friday afternoon. You sit in your office-for-the-summer, finishing up your tasks for the day and pondering which local watering hole you should choose to settle down and swap my-partner/judge-is-worse-than-your-partner/judge stories with other summer clerks and new associates, when suddenly the same partner/judge appears in your doorway. "Could you please find the CPI for September 1990?" Or "Could you see if this federal regulation has been amended in the last six months?" And, of course, "Could you please get this to me before you leave today? It should only take a

few minutes."

Law Student 1 sits back in her chair. Groan. Where to start? The Internet? Lexis? Westlaw? What is a CPI? At least two hours later (or more depending on firm resources and which question), after frantically searching in multiple sources, the student finally has something close to the answer. She drops the answer (she hopes) off with the partner before slogging to her car, too exhausted to enjoy her evening.

Law Student 2 sits back in her chair. In the space of 30 minutes or less, checks the

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Hein Online: Law Reviews Young and Old by Sally Wise

<http://HeinOnline.org>

Approximately a year ago we introduced Hein Online in the *Law Library News*. A few new features have been added to this service so we thought an update was needed.

The original concept behind Hein Online was to provide electronic access to the full-text of pre-1980's law reviews. The project expanded in scope. Although the dates of coverage still vary by title, many of the journals now are available through 2001 or 2002.

Hein Online has now added coverage of the *Federal Register* by optically scanning older issues and adding them to the database. The project timetable called for optically scanning the *Federal Register* from 1970 to 1980, then to optically scan the *Register* back from 1969 to 1936 and finally to complete the project by optically scanning the *Register* portions from 1981 to the present. At this time,

the *Federal Register* is available from 1966 through 1980. The annual indexes and the "List of CFR sections Affected" are also available.

As a reminder, the Federal government publishes all agency promulgated rules and regulations as well as all Presidential proclamations and executive orders and any other document that the President deems has general applicability and legal effect or as may be required by Congress in the *Federal Register*.

Agencies will also publish notices of proposed rulemaking in the *Register*.

Hein Online is a subscription service, which means that the library pays for access. Hein Online is only available if you are using a computer on-campus. It is available directly from the web address above or from the list of subscription databases available from the Law Library Resources icon on the law school computer desktops. Articles can be printed from pdf or html formats.



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Supreme Court Upholds Copyright Term Extension Act

by Barbara Brandon

This past January in *Eldred v. Ashcroft*, ___ U.S. ___, 123 S.Ct. 769 (2003), the United States Supreme Court upheld the constitutionality of the Sonny Bono Copyright Term Extension Act of 1998 (P.L. 105-298). This law extended all existing copyrights for additional 20-year terms. *Eldred* was one of the most closely watched intellectual property cases in recent years. The decision was a major victory for Hollywood studios and other big corporate copyright holders.

Stanford Law professor, Lawrence Lessig, represented the plaintiffs in this case, an online publisher, a church choir director,

Image Not Available

a film restorer and others interested in expanding the public domain. He argued that retroactively extending existing copyrights by 20 years violated the spirit and the terms of Article I, Section 8 of the Constitution, the Copyright Clause. In particular, he asserted that the text authorizing Congress to “promote the progress of science” by granting copyrights for “limited times” barred retroactive extensions because this does not promote new creativity. He coupled this with an examination of copyright legislation over the past 40 years to argue that copyright duration has become virtually perpetual. Lessig also argued that this is a violation of Congress’s enumerated powers.

The Court did not accept these arguments. In writing for the seven-person majority, Justice Ginsburg refused to second-guess a congressional determination to extend copyright terms retroactively. Her decision was straightforward in decreeing that the Constitution vests Congress with broad discretion in this area.

She also dismissed Lessig’s assertion that the Copyright Clause contains a *quid pro quo* element to ensure that the public gains access to a work after the author’s monopoly term expires and she rejected the First Amendment challenge as well. Justices Stevens and Breyer dissented.

Justice Stevens found the act to be an unjustifiable windfall and the majority’s decision unwise in making Congressional action unreviewable. According to Justice Breyer, the act inhibited “the progress of science” and irrationally benefited not authors but their heirs, estates and corporate successors.

There have been many articles written about this decision. See the web sites listed below for more information, including Professor Lessig’s blog (<http://cyberlaw.stanford.edu/lessig/blog>) discussing his opinion of the decision. *Eldred* could mean the coming of copyright perpetuity and the death of public domain.



Related Links:

- Center for the Public Domain: <http://www.centerforthepublicdomain.org>
- The Eric Eldred Act (See Phase 1 for news and timeline for the case and Phase 2 for the new act): <http://eldred.cc>
- Findlaw Supreme Court Center (October 9, 2002 for docket, lower court decisions and briefs): http://supreme.lp.findlaw.com/supreme_court/resources.html
- Lawrence Lessig Blog (Blog Archive is divided by subject): <http://cyberlaw.stanford.edu/lessig/blog/>
- Eldred v. Ashcroft Symposium, Loyola Law School of Los Angeles <http://llr.lls.edu>

Web Site of the Month Cont.

attachments. This last option only works for those agencies that take electronic submissions during rulemakings.

Regulations.gov allows the researcher to search for proposed rules via a keyword search or by agency name. When using the keyword approach, be sure to place quotation marks around the terms.

Research Refreshers Cont.

Consumer Price Index via the CPI website (She also knew that it could have been obtained via the transfer binders of the BNA Labor Relations Reporter.) Or she updates the regulation in question using the List of Sections Affected (LSA) volumes of the CFR, correlates the changes in the Federal Register and locates the amendments in the Federal Register. She knows she can choose to do this in print, or via the Federal Register/CFR sites available on the Government Printing Office (GPO) web site. (Lexis & Westlaw are not the best choices for this question – information is there, but trickier to find.)

Then she drops the finished research off with the partner on her way out to her car and her evening with friends, passing frustrated Law Student 1 on the way.

Which scenario would you prefer?

The Law Library Reference Department is offering several “Research Refresher” classes to assist all Law Students in realizing the scenario of Law Student 2, or, for any interested law student who wishes to brush up on their research skills.

See page 4 for a schedule of all training in April and May.

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This effort is the beginning of the Executive Branch’s compliance with § 206 of the E-Government Act of 2002 (P.L. 107-347). This provision requires each federal rulemaking agency to establish a fully electronic docket room so that the public can view all commentary on a particular rule. The electronic docket rooms will encourage and enable interaction between agency stakeholders and government officials.

Jumpstart Legislative History Research:

by Kay Mackey

Start with the Law Library's web page (<http://library.law.miami.edu>)...



The **Internet Resources** section provides links to numerous aids for legislative history research. In order to research a federal legislative history, link to **Federal**. For Florida legislative history research, link to **State**. Before you begin, you may want to access and review the *Federal Legislative History Research Guide* or the

Florida Legislative History Research Guide in the Research Guides section of the web page.

Federal Legislative History

The components of a federal legislative history include the versions of the bill, committee reports, congressional hearings, committee prints, House and Senate documents, congressional debates, statements of sponsors, Presidential messages, and public laws. **Congressional Universe** provides not only an index to the legislative history components available for bills dating back to 1789, but, in many instances, provides the actual documents for more recent legislation. For example, it provides the full text of selected hearings since 1988, committee prints since 1993, reports since 1989, and documents since 1995. (Congressional Universe is only available from the law school computers.)

Thomas is a service of the Library of Congress and includes bill summaries and status reports dating back to 1973 as well as the full text of bills and the Congressional Record from 1989. Additionally, Thomas has selected House, Senate, Conference, and Joint Committee Reports from 1995.

Florida Legislative History

The components of a Florida legislative history include the versions of a bill, the Staff Analysis, committee hearings and reports, legislative journals, floor debates and gubernatorial signing statements. Very little of this is available on the Internet, but virtually all that is available can be found at **Online Sunshine**.

In order to research Florida state legislative history, one should initially look at the statute being researched. If you do not have a chapter or bill number, begin by looking at the History note at the end of the statute. This will provide information on the chapters that created and amended the statutory section. Laws enacted since 1997 can be found on Online Sunshine under the heading **Laws of Florida, the Laws of Florida external site**. The chapter will identify a bill number. The bill number is the key to Florida legislative history research on the web.

Link to the Florida Senate page from Online Sunshine for access to bills and related documents since 1998. The related documents include the text of bills, committee amendments and floor amendments, Staff Analysis and vote history. Many consider the Staff Analysis to be the most the most important part of a Florida legislative history. Senate and House journals since 1998 can also be found here.

Using the Internet Resources on the Library's Internet site is a superb way to jump start legislative history research. If you cannot find what you seek, consider consulting **Baron**, the law library's catalog, or **Ask a Reference Librarian!**



Recent Acquisitions List

by Helen Wohl

The March 2003 Recent Library Acquisitions list is available from Baron, at <http://baron.law.miami.edu>. The list can be searched, browsed, or printed (and for book lovers, perhaps even enjoyed). Don't forget, UM Law School Faculty and Administration can order books directly from the list and have their selections delivered to their office. Full cataloging information, including location within the library and current availability can be displayed by clicking on the link to the "Full Catalog Record" for each item on the list.



The law library creates the list every month using a computer script designed by Xiaowen Huang and Yuan Yao of Georgetown University Law Library, as modified by Joe Reimers and Ed Buford of Notre Dame's Kresge Law Library and yours truly. Some irregularities you may see from time to time, such as odd marks instead of letters in some of the titles, result from the way the online catalog handles diacritics and certain other characters. The way the titles are arranged in the list, by primary Library of Congress subject heading, is also a function of the script. However, I hope that this current awareness source, minor imperfections and all, still proves useful to our patrons, many of whom used to enjoy the printed acquisitions lists produced years ago by Peter Ward. Mr. Ward has discontinued this valuable service to law libraries, but we are glad to take up where he left off. Please forward any suggestions regarding the list to me, Helen Wohl at hwohl@law.miami.edu.

See Page 4 for upcoming training...



The Last Chance for Class Cont.

No time for training during the semester? On May 14th, get everything in one day, including manual and online research, and lunch too.

Sign up for any of the upcoming sessions at the circulation desk.

Don't get harried this summer!

Research Training Schedule for April & May

All classes will be held in Room D236, unless otherwise noted, at the dates and times listed below. Sign-up sheets can be found at the circulation desk.

Date	Time	Class
4/1 Tues	12:30-1:30	Lexis: Intellectual Property
4/1 Tues.	1:30-2:30 2:30-3:30	Lexis: Advanced Certification
4/1 Tues.	5:00-6:00	Lexis: Litigation
4/2 Wed.	4:00-5:00	Westlaw Job Search / Summer Associate
4/3 Thurs.	12:30-1:30	Lexis: Tax
4/3 Thurs.	1:30-2:30	Lexis: Corporate/Securities
4/4 Fri.	12:00-1:00	Manual Research: Administrative Law Room G363
4/7 Mon.	12:30-2:00	Westlaw: Advanced Certification
4/8 Tues.	12:30-2:00	Westlaw: Advanced Certification
4/9 Wed.	12:30-1:30	Internet Legal Research: Cases & Legislation
4/10 Thurs	12:30-1:30 1:30-2:30	Lexis: Advanced Certification
4/11 Fri.	12:00-1:00	Manual Research: Secondary Sources and Looseleafs Room G363
4/14 Mon.	4:30-5:30	Loislaw: Introduction Room F200
4/16 Wed.	12:30-2:00	Westlaw: Advanced Certification
4/18 Fri.	12:00-1:00	Internet Legal Research: Administrative and Business Sources
5/14 Wed.	10:00-4:00 Lunch incl.	Ultimate Research Refresher

Law School Mourns Loss of Reba Engler Daner

Reba Engler Daner for whom a wing of the law library is named, passed away on March 16th at the age of 92. She graduated from the law school in 1936, the only woman in her class. She was one of the first 150 women admitted to the Florida Bar, and she practiced law for over 50 years. UM named her Alumna of the Year in 1988. She was a generous sponsor of the law school. In addition to significant contributions for the law library expansion, she also donated money for the moot courtroom and other projects.

Spring Hours (January 6th - April 23rd)

	Library Hours	Reference
Mon.-Thurs	7am-Midnight	8am-10pm
Friday	7am-10pm	8am-6pm
Saturday	9am-10pm	10am-6pm
Sunday	9am-Midnight	Noon-8pm

Exam Hours (April 24th-May 12th)

	Library Hours	Reference
Mon.-Thurs	7am-3am	8am-10pm
Friday	7am-3am	8am-6pm
Saturday	8:30am-3am	10am-6pm
Sunday	8:30am-3am	Noon-8pm



Library Directory

■ Circulation & Reserves	284-3563
■ Reference Desk	284-3585
■ Automated Operator	284-2250
■ Administrative Office	284-2251

Other University Libraries

■ Richter Circulation	284-3233
■ Richter Reference	284-4722
■ Medical Library	243-6403
■ Marine Library	361-4060

Law Library News is a publication by the University of Miami Law Library. It is published bimonthly.

Law Library News is also available on the Law Library's web site (<http://library.law.miami.edu/info.html#news>).

Send all comments and contributions to:
Virginia Templeton at vtemplet@law.miami.edu or 284-1927.

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