

# Res Ipsa Loquitur

Newsletter of the



Law Library

Indiana University School of Law - Bloomington

Volume 16, Number 4

December 2005

---

## A LITTLE QUIZ FOR ALL LAW STUDENTS

By Linda Fariss, Associate Director

**Question:** When is it appropriate to dismantle equipment housed in the Law Library??

**Answer:** NEVER!!!!

I'm sure the answer to this question is quite obvious to most of you, but we have been having a significant problem recently with various types of equipment being dismantled and sometimes broken by patrons. The most recent problem, and most serious to date, involved the laser printer located in the lobby of the Library. On two separate occasions this printer has been dismantled by someone, presumably trying to retrieve a print job. The second time a piece of the printer was actually broken and it was left in pieces for us to try to re-assemble. I understand that it can be quite frustrating when a printer is not working properly, but trying to take it apart is never the solution! Please report any problems to a staff member and we will notify the appropriate person to repair the printer. This printer is provided to us by UITS through the University Libraries and is the only printer in the building where law students can use their University print allotment. It would be a shame if we lost this printer because someone continues to attempt to "fix" it. Please report any problems with the printer to us and if you see a student attempting to take it apart, PLEASE let us know!

The printer is not the only issue we have had lately. Someone recently took apart the heavy duty hole punch!

It took a staff member many hours to re-assemble the hole punch, especially since some of the screws were missing and had to be replaced. You may have also noticed that the heavy duty stapler is no longer on the circulation desk. We have a long history of problems with heavy duty staplers! They have been broken in many ways, including being stomped on by someone trying to staple too many pages together! A staff member has spent a lot of time researching the best stapler to withstand heavy use, and our current stapler is supposed to be one of the best available. However, it has been broken twice in a single year! We simply cannot afford to continue to replace this stapler twice a year as they are quite expensive. We are currently continuing our investigation into the latest problem with this stapler. We are not certain that we will be able to replace it.

So....please treat the equipment with respect and report any problems to a staff member instead of using the "self-help" method! The Library staff and the equipment will appreciate the consideration!

### WHAT'S INSIDE?

NEW AND NOTEWORTHY	2
SPOTLIGHT ON GOV. DOCS	2-3
CRUELTY TO LAWN ORNAMENTS	3
SUGGESTION BOX	3
DID YOU KNOW?	4
WORKING THE HALLS	4
THE PRICE OF TRUE LOVE	4

## NEW & NOTEWORTHY: MID-WESTERN LEGAL HISTORY

Benedict, Michael Les and John F. Winkler. *The History of Ohio Law*. Athens: Ohio University Press, 2004. [KFO 78 .H57 2004 v.1-2]



Bodenhamer, David J. and Randall T. Shepard (eds.) *The History of Indiana Law*. Athens: Ohio University Press, 2006 [On Order, not-yet-published]

Finkelman, Paul and Martin J. Hershock (eds.) *The History of Michigan Law*. Athens: Ohio University Press, 2006 [On Order, not-yet-published]

Publishing, in general, has gone through some pretty dramatic changes over the past few years. The changes to university press publishing have been even more dramatic. Once able to survive as research arms of large public universities, many university presses have fallen by the wayside as financial considerations have muscled out these traditional not-for-profit entities. Even the presses that have survived by developing “print-on-demand” and “e-publishing” technologies, have been pressured into producing a profit. A few large presses, at mostly private institutions, continue to thrive, but even these presses find themselves having to produce “best sellers” in order to publish works for small specific audiences.

On the bright side of this dilemma has been resurgence of a few small university presses that have found a niche publishing scholarly regional materials. One example is the Ohio University Press in Athens, Ohio. OUP, not to be confused with the more well known OUP (Oxford University Press), has recently introduced the Series on Law, Society & Politics in the Midwest. Three of the first books in the series are legal histories of the states of Ohio, Indiana, and Michigan (the Indiana and Michigan volumes are due to be published in the summer of 2006).

Paul Finkelman, Distinguished Professor of Law at the University of Tulsa, is the series editor, as well as being co-editor of the Michigan title. Assisting Finkelman on the Michigan history is Martin Hershock, Associate Professor of History at the University of Michigan-Dearborn. The Indiana history is being edited by David Bodenhamer (Professor of History at IUPUI) and Randall T. Shepard, the Honorable Chief Justice of the Indiana Supreme Court. The Ohio history is written by Michael Les Benedict (Professor of History at Ohio State University) and John F. Winkler (a civil litigation attorney in Columbus and graduate of the Ohio State University Moritz College of Law.)

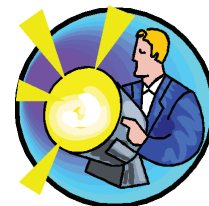
From the series description:

Beginning with enactment of the Northwest Ordinance the region that is now the Midwest passed from wild frontier, to federally administered Territories, to sovereign states, and on to the dynamic tension of federal-state relations that exist today. The area’s economies developed from subsistence farming and resource extraction, whether it was the coal mines of Ohio, the timberlands of Michigan, or the oil fields of Indiana,

and into industrial agriculture, steelmaking, and automobile manufacturing. The region confronted conflicts between Native Americans and new settlers and constitutional questions of race relations and slavery, freedom of consciousness, and women’s rights, as well as the tensions and rivalries between the native-born and successive waves of immigrants. Issues of labor relations, personal status (including marriage and divorce), and the use of law for economic development emerged in the Midwest often in new and unique ways. Each of these histories is written to be a starting point for any investigation on the subject.

*Richard Vaughan, Acquisitions & Serials Control Librarian*

## SPOTLIGHT ON GOV DOCS: PRIMARY SOURCES – THE CONSTITUTION



“A primary source is a document, image, or artifact that provides evidence about the past. It is an original document created contemporaneously with the event under discussion (Williams, *The Historian’s Toolbox*, p.58).

### Why research with primary sources?

Primary sources enable you to get as close as possible to what actually happened during a historical time period. A primary source is raw material which reflects the individual viewpoint of a participant or observer of historical events, and thus allows the researcher to interpret the past. Though many primary sources are unique and can only be found in one library or manuscript collection in the world, many have also been reissued or published in print, microfilm, or digitally.

Federal documents include a great deal of primary source material in the form of the following: documents related to the legislative process; investigative reports on the results of federally funded research and other activities; legal authority such as statutory, regulatory, and case law; Executive Orders and other presidential documents; and a wide range of other materials.

This month’s *Spotlight on Gov Docs* shines on *The Constitution of the United States of America; Analysis and Interpretation. Annotations of Cases Decided by the Supreme Court of the United States* . . . Prepared by the Congressional Research Service, Library of Congress; Johnny H. Killian, George A. Costello, co-editors. Washington: U.S. G.P.O.

Through an act of Congress (2 U.S.C. §168), the Librarian of Congress was directed to create a hardbound, revised and annotated edition of the Constitution of the United States of America. “This is a terrific source,” said Linda Fariss, Associate Director of the Law Library, “because it includes not only the text of the Constitution, but has extensive commentary, analysis, and summaries of important Supreme Court decisions covering each clause and amendment of the Constitution.” The commentary covers all amendments – both ratified and proposed. “Unlike other annotated sources that just include lists of cases,” said

Fariss, “the *Constitution Annotated* allows the researcher to obtain an understanding of constitutional doctrine.”

This primary source can be a useful starting point for constitutional research. Perhaps you need to research the enlargement of congressional power under the commerce clause, or want to find other cases besides *Brown v. Board of Education* which have dealt with the equal protection clause of the 14th Amendment. You can find the answers to these and other constitutional questions in the *Constitution Annotated*. The document is arranged thusly:

- Introduction (provides a summary of constitutional law and an historical note on the formation of the Constitution)
- Literal text of the constitution and the amendments
- Proposed amendments not ratified by the States
- Section by section analysis of the Constitution (from Preamble through the 27th amendment, set out over 2,065 pages) in an easy to follow chronological overview, from adoption to current interpretations
- Annotated list of acts held unconstitutional in whole or in part by the Supreme Court
- State constitutional and statutory provisions and municipal ordinances held unconstitutional or held to be preempted by federal law
- Supreme Court decisions overruled by subsequent decisions in the area of Constitutional law

Finding aids include a detailed table of contents, an alphabetical table of cases, and an index (arranged by subject and name of act). Footnotes provide citations to U.S. Supreme Court decisions, scholarly monographs, committee prints, law review articles, documents from the constitutional convention, constitutional commentaries, and the working papers and final reports of national study commissions.

Revised editions are published every ten years. Until a new full edition is published, cumulative supplements are released biennially to update previously printed information.

The current edition (with cases decided to June 28, 2002, plus its supplement, cases decided to June 29, 2004) was recently released by GPO and can now be found at **Reference Y 1.1/2: SERIAL 14866**.

This important primary source is available to the public online at:

- **GPO Access**, <<http://www.gpoaccess.gov/constitution/index.html>>. 1992 edition with supplements and current edition with supplement. Available in a series of browseable tables in PDF

or text format. Searchable by keyword.

- **FindLaw**, <<http://www.findlaw.com/casecode/constitution/>>. 1992 edition. Divided into smaller sections for the Web and with hyperlinks between the sections, as well as links to Supreme Court cases cited in the annotations. FindLaw has incorporated the 1996, 1998 and 2000 supplements into the 1992 edition text. Searchable by keyword.

Happy researching!

*Jennifer Bryan, Documents Librarian*

### **DID YOU HEAR THE ONE ABOUT THE LAWYER WHO GOT ARRESTED FOR CRUELTY TO LAWN ORNAMENTS?**

The Sparks family enjoyed their annual Christmas tour of neighborhood decorations. Four years ago, during the family’s drive, a debate started between Lauren (12 yrs old) and Michael (8 ½ years-old) over whether the wooden reindeer ornaments were the best. As the debate ebbed, Mr. Sparks chimed in with, “what if you had an entire herd?”

Needless to say, a new Christmas tradition had begun. The children became lost shepherds arranging, rearranging and re-rearranging the herd in their yard for hours. Once deployed, two dozen plus reindeer and miles of extension cords require remarkably little maintenance; making sure Michael hadn’t moved any of the four-legged props into compromising positions and the occasional bulb replacement was all that was necessary.

After the addition of the cloth Santa on the painfully fake sled, cars would slow down as they approached the grazing area, the neighbors were appropriately bemused, the local paper wrote about the yard decorations and the Sparks family became known as “the people with all of the reindeer.”

After the initial glam faded, the kids suggested the hunt. At the dinner table, Lauren explained why Santa should be armed; he lives at the North Pole and is a carnivore. Michael decided Santa should shoot one reindeer each night ending perfectly on Christmas day. Mrs. Sparks clarified the situation with, “Let me see if I have this right. You’re debating whether there is a logical basis for deciding if a fictional character would have a reason to shoot artificial lawn ornaments?”

The final decision was made. The herd would be thinned by one a day beginning December 1st, Santa would be armed with Michael’s BB gun, the deceased reindeer would spend the day supine in the yard, but would be removed before nightfall and the ornament that made it to Christmas day would

### **THE SUGGESTION BOX**

Every month in this space Associate Director Linda Fariss responds to a suggestion from the Suggestion Box.

**There have been no suggestions this month, so HAPPY HOLIDAYS!**

be spared.

Can you figure out what charges were brought against Mr. Sparks? For the remainder of the story – Sign onto Lexis or Westlaw and find – John R. Sparks, Reindeer Trouble, 27 Penn. Lawyer, Nov. – Dec. (2005). (Did I mention the story was a great work of fiction??)

*Stephanie Marshall. Electronics Services Librarian*

---

## THE PRICE OF TRUE LOVE

You (or your true love) may want to reconsider if you are thinking of buying your beloved the itemized shopping list laid out in the classic holiday song “The Twelve Days of Christmas”. Modern-day woes about the rising energy prices and concerns about avian flu have increased the price tag over 6.1% over last year’s amount. PNC Advisors, who (for whatever reason) has charted the costs of the song’s proposed gifts for the last 21 years, put the price of the items this year at \$18,348.

Some presents will be difficult to obtain at any price this year. The threat of avian flu has all but eliminated the international shipment of birds, so those three French hens will probably have to be scratched from your list. While you may be able to track down some domestic turtle doves and possibly a partridge, keep in mind the higher energy prices may significantly impact your shipping costs.

Depending on the quality of the gold, “the five golden rings” given on the fifth day will cost at least \$325, up 27.5 percent due to rising gold prices.

On a more positive note, most of the workers detailed in the song won’t cost you all that much more than last year. The salaries for maids-a-milking, pipers piping and drummers drumming have pretty much held steady from last year. Maids-a-milking are usually paid right around the \$5.15 minimum wage, making an hour of their time the cheapest gift on the list. It is a bit more difficult to determine the going rate for “lords-a-leaping” these days.

The only workers to have received a notable increase in pay would be the “nine ladies dancing” based upon information given to PNC by the Philadelphia Dance Company. They also were the best-paid service providers on the list, earning \$507.46 each.

If you want to be faithful to the spirit of the song and repeat the gifts each day as detailed in its many, many verses, you will pay \$72,608 for all 364 items, up 9.5 percent from the \$66,334 price tag in 2004. That’s a much bigger increase than the 1.6 percent increase last year. After having given it some thought, I have come to the conclusion I’ll be getting my true love a golf club this year.

*Nonie Watt, Head of Technical Services*

---

## LAW LIBRARY FINAL EXAM HOURS

December 3 - 16, 2005

December 3	Saturday	8:00 a.m.-12:00 midnight
December 4	Sunday	9:00 a.m.-2:00 a.m.
December 5- 9	Mon.-Fri.	7:30 a.m.- 2:00 a.m.
December 10	Saturday	8:00 a.m.-12:00 midnight
December 11	Sunday	9:00 a.m.-2:00 a.m.
December 12-15	Mon.-Thurs.	7:30 a.m.-2:00 a.m.
December 16	Friday	7:30 a.m.-6:00 p.m.

## LAW LIBRARY SEMESTER BREAK HOURS

December 17, 2005 - January 11, 2006

December 17-18	Saturday -Sunday	CLOSED
December 19-23	Mon.-Fri.	9:00 a.m. - 5:00 p.m.
December 24-25	Saturday-Sunday	CLOSED
December 26	Monday	CLOSED
December 27-30	Tues.-Fri.	10:00 a.m. - 4:00 p.m.
December 31- Jan. 1	Saturday - Sunday	CLOSED
January 2	Monday	CLOSED
January 3-6	Tues.- Fri.	9:00 a.m. - 5:00 p.m.
January 7-8	Saturday - Sunday	CLOSED
January 9-10	Mon.-Tues.	8:00 a.m. - 8:00 p.m.
January 11	Wednesday	Resume Regular Hours

## WORKING THE HALLS

### Happy December Birthday to:

Sandy Ault on the 3rd  
 Prof. Craig Bradley on the 5th  
 Teresa Barnett on the 6th  
 Dean Lauren Robel on the 8th  
 Barbara Cain on the 10th  
 Prof. Ann Gellis on the 22nd

Prof. William Henderson the 22nd  
 Katy Myers on the 28th

