

The Arthur W. Diamond Law Library of the Columbia Law School

Self-Guided Library Tour

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The following self-guided tour of the Arthur W. Diamond Law Library at Columbia Law School will help introduce Barnard's undergraduate environmental science students to the materials and library services necessary for the successful completion of their Environmental Law or Waste Management course.

This tour will direct you to several different locations in the library, where you will be asked a series of simple questions requiring you to examine the sources mentioned and become familiar with a variety of primary and secondary legal material. Please consult the maps at the back of this guide for directions or ask a Reference Librarian for assistance.

The Third Floor

The Third Floor of the Library features three important locations: the Reference Office, the Circulation Desk, and the Reserve Reading Room. See the enclosed map of the Third Floor for exact locations.

Location 1 – The Reference Office

The Reference Office is the place to come with any question you might have. Reference Librarians staff the desk well over sixty hours per week, so there will be someone there to help you most of the time the library is open.* You can also call the Reference Office at 854-3743. The Reference librarians all hold law degrees and most have practiced law.

*Reference hours for the Spring, 2003 semester are:

Monday-Thursday – 10am-9pm

Friday – 10am-6pm

Saturday – 1pm-6pm

Sunday – 1pm-9pm

The Reference Office is also the home of some important computer resources. Pegasus is the online catalog of the Law Library. (CLIO is the online catalog for the rest of Columbia University.) Everything held by the Law Library is in Pegasus. Also, Pegasus offers a connection to the online Index to Legal Periodicals and the online catalogs of several other law libraries, including New York University Law Library and Fordham Law Library.

Question 1 - Using Pegasus, locate the catalog record for a 2002 treatise on endangered species. (Hint: Use a keyword search by typing “W” rather than a subject search. Subject headings refer to specific subject headings as designated by the Library of Congress and may not be intuitive. Keyword searches are almost always better when searching generally.)

- What is the name of one of the books you found?
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- What is its call number and location?
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- Is it currently checked out? _____

Once you have identified the record, press “S” and learn how you can find similar items catalogued under the same subject.

- What is the title of another book you found: _____

Question 2- Connect to the Index to Legal Periodicals by using the same Pegasus terminals. Find an article about recycling norms. (Hint: Use a word search by typing “W”)

- What is the title of the article?
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- What is its citation?
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Now examine the Reference Collection. Note that in addition to the directories, bibliographies, dictionaries, and other types of books held there, there are also copies of the *United States Code Annotated* (or *USCA*) and the *McKinney’s New York Statutes*. (There are other copies of these two sets held in other locations in the library.) The *USCA* is the most commonly used printing of federal statutes. The *McKinney’s New York Statutes* is the code of the state of New York.

Question 3- USCA

- How are these codes generally organized? _____

- Is there a *USCA* title devoted to environmental rules? Give an example. _____

- What about a *McKinney's* title? Give an example. _____

- How are they kept up to date? _____

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Location 2 – The Circulation Desk

Many of your library transactions will take place at the Circulation Desk.

- ⇒ It is the place, of course, to check books out or return them.
- ⇒ You can also buy copy cards here. There are copying machines in the Cellar and Reserve Reading Room and on the 2nd and 4th Floors.
- ⇒ If a book you need is missing from the shelves, you can ask at the Circulation Desk that a search be undertaken.
- ⇒ If you would like to recall a book that is checked out to another person, the Circulation staff can do that as well. Similarly, you may inquire about an Offsite book at the Circulation desk.

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Location 3 – The Reserve Reading Room

The Reserve Reading Room is where, as mentioned above, material placed on Reserve by faculty for particular courses can be found. A quick glance at your map will show that a great deal of other material is kept here as well.

On your right as you enter are the Course Reserves, along with some federal administrative material on the shelf along the wall. Locate *the Code of Federal Regulations* (commonly known as the *CFR*) and the *Federal Register*. You will learn much more about these primary sources, and their relation to one another, in class during lectures on various aspects of administrative law. For the purposes of this tour a brief examination of a few volumes or issues will suffice.

Question 4 – The CFR

- How is this set generally organized (i.e., what are the subdivisions called)?

- Is there a part devoted entirely to environmental rules?

- How often is a new edition published? _____

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Using the Index volume, find which Title contains information about grants for waste treatment and disposal, and list the appropriate Title below: (There is another copy of the *CFR* Index in the Reference Room)

Question 5 – Federal Register

- How often is it published? _____

- What, briefly, is included in it? _____

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Locate the state codes and state administrative codes. The Law Library has the state codes from all 50 states and the District of Columbia. We also have the administrative code from every state that produces one (not all do.) State administrative codes are known by different names in each state.

Question 6 – State statutory codes

- Find the statutory code from your home state. (Use New York if you are not from the U.S. or your choice is not obvious for some other reason). What is its official title?

- How is it organized? _____

- How is it kept up to date? _____

- Where can you find the state constitution? _____

- How can you find environmental rules?
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Question 7 – State administrative codes (codes of state regulations)

- Is there an administrative code for your home state? _____
 - What is its official title? _____
 - Using the Index, see if your state has regulations concerning air pollution control. Describe what you find.
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Next, find the regional reporters. These contain state court cases, grouped together by region. Another set of these reporters can be found on the 4th floor. The copy of the regional reporters found here includes only the more recent cases (called “2nd Series”). Thus, a citation to 267 P.2d 131 means that you can find the cited case in volume 267 of the Pacific Reporter, 2d Series, at page 131. A complete set of the regional reporters, including the older, first series cases, can be found on the 4th floor.

Question 8 – Regional Reporters

- Circle one of the following cases and identify the reporter where you found it:

Velsicol Chemical Corporation v. Rowe, 543 S.W.2d 337 (Ten. 1976)

Boomer v. Atlantic Cement Co., 287 N.Y.S.2d 112 (N.Y. Sup. Ct. 1967)

T&E Industries, Inc. v. Safety Light Corp., 587 A.2d 1249 (N.J. 1991)

- How many different regions are there? _____
(Hint: Often the arrangement makes little geographic sense. Kansas, for instance, is in the Pacific region. You can find which states are in any particular region by looking in the front of any volume.)

- How many reporters cover New York? _____
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Next, locate the Supreme Court and federal reporters. Remember that the federal system is divided into three levels of courts: district courts, courts of appeals (which used to be called circuit courts), and the Supreme Court.

Question 9 – Federal reporters

- Circle one of the following cases and identify the reporter where you found it:

U.S. v. Wade, 577 F. Supp. 1326 (E.D. Penn. 1983)

Harrison v. Indiana Auto Shredders Co., 528 F.2d 1107 (7th Cir. 1975)

Renken v. Harvey Aluminum, 226 F. Supp. 169 (D. Ore. 1963)

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- In which reporter are district court opinions now published?

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- In which reporter are court of appeals opinions published?

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Finally, the current, unbound periodicals are at the back of the Reserve Reading Room. Once bound most law reviews are shelved on the 4th Floor, except those about international law, which are housed with international law materials on the 2nd Floor. Foreign law periodicals are found in the Cellar with the rest of the foreign law collection. Again, Pegasus will show you the exact location of every title.

Question 10 – Unbound periodicals

Using Pegasus (there is a terminal in the Reserve Reading Room), answer the following questions:

- What is the call number of the New York University Environmental Law Journal?

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- What is the call number of the European environmental law review?

- Where would you find the most recent unbound issue for either of the periodicals above?
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- Where would you find the bound volumes of both of the periodicals above?
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The Fourth Floor

Location 4 – The 4th Floor, main landing

Go upstairs to the 4th floor. At the top of the stairs there is a Pegasus terminal. Straight ahead of you is a collection of New York statutes and cases. Using your map, please find the elevator, the restrooms, and photocopiers.

The stacks, which take up most of the west side of the 4th floor (the side closest to the stairs), are filled with books and looseleaves, arranged in call number order.

⇒ The call numbers run from A to Z, although a quick inspection will show that almost all of the books have the call number KF. The Library of Congress has assigned the letters KF to works of American Law. (The Library of Congress call numbers for international law begin with JX and are housed on the 2nd floor.) The KF call number range is subdivided into subjects. Works on contract law can be found in the KF800s, tax law in the KF6200s, and so on.

Question 11 – Call numbers in the stacks

- Under what call number are works related to environmental law generally found?
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Location 5 – The Core Collection, south end of the 4th floor

On the south end of the 4th floor is a collection of primary and secondary sources that you will use frequently for your assignments. First are the federal statutes. Statutes are arranged in more than one manner. Laws printed in chronological order are called session laws. The United States federal session laws are called (for the most part) Public Laws. After a new law is passed by Congress, it is assigned a Public Law number. As an example, the first law passed by the 107th Congress is given the number P.L. 107-1. The number before the hyphen refers to the session of Congress, the number after the hyphen simply refers to the numerical place a law holds in the list of laws passed by that Congress. These public laws are printed in chronological order in two

different publications: *The United States Statutes at Large* and the *United States Code, Congressional, and Administrative News* (or *USCCAN*.)

The *Statutes at Large* is an official publication of the government, and is often several years behind. *USCCAN* is a commercial publication, and has two advantages for the researcher over the *Statutes at Large*. First, it is updated frequently, offering quick access to recently passed laws. Second, it contains excerpts from Congressional documents, reports, hearings, and other works that explain Congressional intent.

Question 12 – Federal session laws and USCCAN

- What is the Public Law number of the last law passed by the 100th Congress? _____
- What is its subject matter? _____
- What is the earliest Congress covered by *USCCAN*? _____

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Next, on the far side of the next shelf, locate another copy of the *USCA*, which you first examined in the Reference Office. Next to the *USCA* you will find the *United States Code Service* (or *USCS*), a rival publication by another publisher. The *USCA* and *USCS* are similar in arrangement and content, but they possess some differences important to individuals experienced in statutory research. Remember that the codes are arranged by subject in the *USCA*. After Congress passes a law, it is given a Public Law number, printed chronologically in the session laws, then arranged by subject into the code (or “codified”).

The advantages of the *USCA* and the *USCS* over the official *United States Code* are that they are much more timely (the official set is always about two years behind) and that the commercially produced sets are heavily annotated, with historical notes, cross-references to related code sections, references to law review articles, citations to leading cases interpreting code sections, as well as a variety of useful tables, indexes, and other research aids. Note that the *United States Code* is shelved next to the *USCS* and *USCA*.

Question 13 – The federal code (use the USCA)

- What Title of the code covers conservation? _____

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Use the information on the volume spines to find the Popular Name Table. This table will let you look up a federal law by its common name: Clean Air Act, Atomic Energy Act of 1954, Deepwater Port Act of 1974, etc. The table will give you the Public Law number, its citation in the *United States Statutes at Large* (abbreviated *Stat.*), and its place in the code.

Question 14 – Using this table, look up the Endangered Species Act Amendments of 1978.

- What is its Public Law number? _____
- Where can you find it in the Statutes at Large? _____

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Location 6 – Digests, *Shepard's* and case reports – The southeast corner of the 4th floor

In this area you will find another copy of the regional reporters, like the set you examined in the Reserve Reading Room. This set contains all of the older cases, unlike the one downstairs. Along the south end, you will find encyclopedias, the American Law Reports (ALR), some form books, and other materials.

On the southeast side of the 4th floor, you will find a range of shelves that hold *Shepard's*, state and federal digests, and another copy of the federal reporters. Determining how later courts have interpreted or treated a particular case is an important part of case law research. *Shepard's Citations* is one of the tools the lawyer has to accomplish this updating. Recording every mention of a case by every later court, *Shepard's* allows the researcher to quickly determine if a specific case is still good law, has been criticized, or has been overruled. You will learn a great deal more about using the print and the online versions of *Shepard's* and other updating tools.

Question 15

Using *Shepard's* Federal Energy Law Citations, find the citations for Volume 1, section 61194 of the Federal Energy Regulatory Commissions Reports. Please list the citations that you found below.

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Digests are another basic tool of legal research. Digests offer subject access to cases since they are arranged more or less chronologically within case reporters. West Publishing's American Digest System (most of the digests you see here are part of that system) is by far the most popular. West has divided all of American law in to 414 topics, then subdivided them in numbered outline form (the "key number" system). Every new published case is summarized by West editors in one or more "headnotes" (thumbnail descriptions printed at the beginning of each case). These headnotes are assigned a key number, and the headnote is then reprinted in the appropriate digest at the appropriate place or places. There are state digests, regional digests (which, of course, correspond to the regional reporters), federal digests (covering all federal cases) and a Supreme Court digest. All use the same outline, so that any given key number will refer to the same topic in the *Kentucky Digest* as in the *Supreme Court Digest*. Digest topics are arranged alphabetically. After the last subject in any one of the digest sets, there are several helpful research tips you should know about.

For the following questions, do not use the General Digest or the Decennial Digest, which are both shelved on the south end of the 4th floor. Instead, use the digests shelved between the federal reporters and the *Shepard's* sets, in an area of the attached map called "State and Federal Digests"

at Location 6. For Question 15 you can use the Supreme Court Digest, the Federal Practice, any regional digest (Atlantic Digest, North Western Digest, etc.), or any state digest (Ohio Digest, Pennsylvania Digest, etc.)

Questions 16 – Digests

- Choose any digest. What is the first subject? _____
- The last? _____
- Examine the Descriptive Word index. What is the key number for hazardous waste disposal?

- Look at this key number in the main volumes of your digest. Are there any cases listed? If so, please provide an example.

In addition to the Descriptive Word Index volumes, there is also a Table of Cases of Defendant-Plaintiff volumes in each digest. If you know that there has been a Supreme Court case called Smith v. Jones, you can get its citation by looking up Smith or Jones in the Table of Cases. If you only know that the case is somebody v. Jones (or more commonly, State v. Jones) you can look up the citation in the defendant-plaintiff table.

- Three of the regions no longer produce digests. How would you get subject access to cases from states included in a region with a defunct digest?

- What is the difference between the 1st, 2nd, 3rd, and 4th series of the Federal Practice Digest?

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Behind the digests is another copy of the federal reporters. You will recognize the Federal Supplement and the Federal Reporter from the Reserve Reading Room and from Question 9. Locate the three publications in which the Supreme Court cases are found.

Question 17 – Supreme Court reporters

- What is the title of the official government reporter? _____
- Who publishes the Supreme Court Reporter? _____

• Who publishes the Lawyer’s Edition? _____

• What features do the commercial sets have that the official set does not?

• How would you find a citation to the Supreme Court case called *Robertson v. Seattle Audubon Society*?

• Can you think of three different ways (using any sources discussed in this Tour) to find a citation to a case called *Oregon Waste Systems v. Department of Environmental Quality*? (I know that it is a Supreme Court case decided in the last ten years.)

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Secondary Authority

“Secondary authority” is a general term that embraces treatises, legal periodicals, encyclopedias, and other aids to finding and interpreting such “primary authority” as statutes and cases. Such a work may be useful for its collection of citations, for its organization of the subject matter, for its statement of legal rules, or for its original analysis, criticism, and proposals for improvement. The quality and reliability of secondary authorities varies widely. Although practitioners’ writings are not lacking, most of the significant works have emanated from the law faculties.

Secondary authorities are mostly persuasive works, as judges are not bound to follow the views of an author in the manner that a judge is bound to uphold and follow a statute or a case. Secondary authority materials attempt to facilitate a better understanding of legal issues and the relation between specific torts and legal matters, and judges frequently cite secondary authority in their opinions. The principal kinds of secondary authority are: dictionaries, encyclopedias, treatises and textbooks, casebooks, and legal periodicals.

The traditional American law dictionary is *Bouvier’s Law Dictionary: A Concise Encyclopedia of the Law* (F. Rawle 8th ed. 1914), in three volumes. Popular one-volume works are *Black’s Law Dictionary* and *Ballantine’s Law Dictionary*.

Question 18 — Locate *Bouvier's Law Dictionary; A Concise Encyclopedia of the Law* on the 4th floor of the Diamond Law Library. (The call number is KF156. B62 1914).

- What is the difference between the Bouvier and Black's Law Dictionaries?
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- In which volume (of *Bouvier's*) and on which pages is the entry for "tort" located?
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There are two popular general encyclopedias, *American Jurisprudence 2d* and *Corpus Juris Secundum*, each roughly in 100 volumes. Both are well indexed and contain ample citations. Although they may be useful aids in finding cases, they are concerned mainly with the exposition of the law as it is rather than with critical analysis and are less reliable than the better treatises and texts. The contributions, which are unsigned, are those of the publisher's permanent staff rather than known scholars.

Question 19 - *Corpus Juris Secundum*

Return to the Reserve Reading Room on the 3rd floor and locate the *Corpus Juris Secundum* encyclopedia (It is located in the treatise section, and the call number is KF154 .C67)

- How is the encyclopedia collection organized?
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- How is it kept up to date? _____

- In which volume would one find information pertaining to 'conservation and preservation of wildlife?' _____
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Treatises and textbooks may be designed to serve several purposes. Some treatises are carefully reasoned and scholarly expositions of a field with explanation of the reasons behind the rules and criticism of the present state of the law. They are equally useful to the scholar and the practitioner. Others, often written by practicing lawyers on specialized topics, are intended primarily for the practitioner whose chief concern is with the present state of the law and who is searching for a case or other authority in a particular field. Treatises of both kinds are usually kept up to date with annual cumulative supplements.

Single-volume textbooks, such as *Prosser & Keeton on Torts* (5th ed. W. Keeton 1984), have been written in many fields to serve as introductory works for students as well as practitioners.

Question 20 - *Prosser & Keeton on Torts*

In the Treatise section of the reserve room, locate *Prosser & Keeton on Torts*. (The call number is KF1250. P74).

- Use the Table of Cases located at the back of the book, and look up the case *Boomer v. Atlantic Cement Co.* What pages make reference to “Boomer?” _____
- What chapter are the pages located in? _____
- What is the title of the chapter? _____
- Look at one of the citations for Boomer. What is the significance of this citation? (i.e., What is the importance of the inclusion of Boomer in this section? What does it do?)

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Casebooks are primarily teaching tools for students, but casebooks are also valuable research works. Many casebooks, such as *Cases and Materials on Contracts* (5th ed. 1995), contain copious notes and references to leading articles as well as cases. Since they are more frequently revised than many treatises, they may contain more recent material.

Question 21 - Casebooks

Locate the Pegasus terminal in the Reserve Reading Room. Using Pegasus, look for “Cases and Materials” relating to Environmental Law (Hint: Use the title search option and input ‘cases and materials.’)

- How many entries do you find? _____
- What are they titled? _____

- Where would you go in the library to utilize these materials? (i.e., Where are they located?)

Law review articles are viewed as condensed treatises on a very specific legal subject. A recent article on a specific topic offers a concise discourse on the status of a specific legal issue and, as such, an indispensable starting point.

Question 22 – Law Review Articles

- Find a law review article on fundamental environmental rights.

Loose-leaf Services are effective search tools because, within the subject they cover, they offer:

- ⇒ the text of statutes
- ⇒ judicial and administrative decisions
- ⇒ administrative rules and regulations
- ⇒ an explanatory discussion of legal developments

Question 23 – Go to the shelf and choose one of the following services:

- Environmental law practice guide (KF3775.Z95 E58 1992)
- Environmental law reporter (KF3775.A6 E5)
- Environmental reporter (KF3775.A6 E49)

- Describe its contents. Does it cover environmental case law, statutes, administrative rules and regulations, or all of them?

No discussion of secondary authority in the United States would be complete without mention of the unique effort at systemization of case law that culminated in the *Restatement of the Law*. When the American Law Institute was organized in 1923, its objectives included “the clarification and simplification of the law.” The founders of the institute saw in a growing number of legal decisions a threat to the vitality of the law. It was becoming increasingly difficult for the lawyer working on a case to find, read, and digest the relevant cases of the courts in the relevant state, in order to establish a firm precedent.

As a result, the American Law Institute concluded that what was needed in those areas of the law that had not submitted to legislation was an authority greater than that of any single treatise to bring order into the chaos of case law. To meet this need, the *Restatement of Law* was compiled, and it covered fields in which case law was dominant and the effect of varying state statutes was minimal: agency, conflict of laws, contracts, judgments, property, restitution, torts, and trusts. The

Restatement in these fields was published between 1933 and 1944, and the Restatement has been revised by the same method and published as the *Restatement (Second)*. A *Restatement (Third)* is in process, and some volumes are already published. It covers some subjects, such as foreign relations law, that were not part of the original Restatement.

Question 24—*Restatement (Second)*

In the Treatise Section of the Reserve Room, locate the *Restatement (Second)*. (The call number is KF395. R45). The Restatements are generally referred to as *Restatement of the Law (Second): Torts*, for example, with a topic specified.

- How many volumes are contained in the Restatement (Second) for all topics combined?
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- Using the general index to the *Restatement of Law*, where would one find “interlocutory injunction”? _____

- Unlike the first Restatement, there is no general index that covers all topics of the Restatement Second. Each topic, such as *Restatement of the Law (Second): Torts*, has its own index. Can you find “interlocutory injunction” in the *Restatement of the Law (Second): Torts*? If so, where?
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- The Restatements Third are cataloged by topic, rather than as one large set. Thus, the call number for *Restatement of the Law, Third: Torts-Products Liability*, is at KF1296 .R467 1998. What is the call number for *Restatement of the Law, Third: Property: Mortgages*?
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Other Library Locations About Which You should be Aware

The Fifth Floor

On the Fifth Floor of the Library you will find primary and secondary material from England, Northern Ireland, the Republic of Ireland, Scotland, Wales and Canada.

The Second Floor

The Second Floor is where, among other things, international law material is held. Distinct from the domestic laws of other countries (known as “foreign law”), international law refers to agreements and disputes among nations. Included is material from the United Nations, the European Community, Organization of American States, NATO, SEATO, etc. Also found on the Second Floor are the different publications containing the texts of international treaties.

Also on the Second Floor is the microform area. Microfiche (flat pieces) and microfilm (spooled film reels) are kept in numbered cabinets along the west wall. The most heavily used microforms are the complete collection of United Nations documents (which stretches back to the UN's founding), complete session laws for all states (including colonial laws), and back issues of popular practitioner daily and weekly journals, such as *American Lawyer*, *National Law Journal*, and the *New York Law Journal*.

The Cellar

The Cellar is where foreign law is kept with the exception of law from England, Ireland, Scotland, Wales, and Canada (5th Floor) and Japan and Korea (2nd Floor).

Selected Congressional material is shelved in the Cellar. *The United States Congressional Serial Set* is a collection of documents, reports, and the like from the House and Senate. You will also find the *Congressional Record*, a more or less verbatim account of each day's business on the floor of the House and Senate.

Offsite

Most older or superceded Anglo-American treaties are currently stored in an offsite area. Please inquire at the Circulation Desk for help.