

**STATE BAR COMMITTEE ON LIBRARIES, LEGAL RESEARCH,
& LEGAL PUBLICATIONS** (rev#1 4-28-2009)

**Minutes of April 20, 2009 Meeting
Michael Francks Building, Lansing**

Present: Ann Baker, Barb Bonge, Randy Davidson, Randy Foreman, Ruth Stevens, Dan Kopka, Lance Werner, Janice Selberg, Byron Cooper, Laura Mancini, Virginia Thomas, Barb Goldman, Paul Edwards, Jan Bissett, Kathryn Vance , [Christopher Carr](#) (guest).

Absent: Jane Edwards, Jennifer Selby, Jennifer Schafer, Sharon Barnes, Marilyn Preston, Marjorie Gell, Barbara Garavaglia

Committee Chair, Randy Foreman, called the meeting to order at 10:10 a.m.

Chair's Report:

- Committee Chair announced that Virginia Thomas had joined the committee. Virginia is the Director of the Arthur Neef Law Library at Wayne State.
- Copies of the following recently published Michigan Bar Journal articles by Committee members were provided: September - Jan Bissett, *Identifying Anti-trust and Trade Regulation Resources* ; October - Lance Werner, *Using New Tricks to Help the Old Dog: Electronic Resources for Legal Research in Historic Preservation Law*; November - Randy Davidson, *Resources on Collateral Consequences of Criminal Convictions*; December - Ann Baker, *Locating Information for Business Litigation*; January - Ruth Stevens, *RSS Feeds: Worth a Look*; February - TeLisa Owens, *Medical Malpractice Internet Resources*; March – Jan Bissett, *Selected Resources on the Financial Crises*

Old Business:

a) Web Page project.

- Committee Chair provided copies of the web page hits report.
- The statistics showed about the same amount of usage on all pages.

b) Web page updates, New Pages.

- It was reported that the Identity Theft page had been added
- It was reported that several updates offered by committee members had been submitted and would be added to the online site soon – those pages being 1) the Michigan Law websites page, 2) the Consumer Protection Law page, 3) the Family Law page and 4) the Elder Law page
- Byron Cooper reported that he was overseeing modifications of the Landlord/Tenant web page. He indicated that there were links on our current page to poor quality commercial “forms.” It was agreed that they should be replaced with titles to good form books. It was suggested that a MelCat link to the title could be included so that users could find local libraries that had the book.

- Randy Foreman and Randy Davidson both reported that no changes were necessary on the Immigration Law page and the Criminal law page.

c) Additional article sign-ups

- Randy Foreman said he would write the regular column for the July 2009 theme issue (there was discussion at the meeting that this may be eliminated due to space problems – but after the meeting Randy Foreman was informed by the editors that there was room for the regular column)
- Randy Foreman will take the November 2009 General Topic
- Jan Bissett will take the February 2010 Indian Law topic
- Lance will take the March 2010 – General topic
- Janice will take the June 2010 Probate topic

d) Theme Issue

- Ruth, Randy Davidson and Ann all summarized their articles for the theme issue
- There was discussion of suggesting a cover for the theme issue that would indicate the Authentication and Accuracy of online primary source materials in Michigan. It was suggested that there could be images of the disclaimers from the state websites on the cover of the theme issue
- Ann agreed to change the title of her article to be more descriptive: changing it from “Electronic Records”, to “Storage and Retrieval of Electronic Records by State Agencies”

New Business

- Committee Chair, Randy Foreman proposed that the committee take steps to encourage the Michigan Bar to solicit the Supreme Court (or Board of Bar examiners) to include a question in the written section on Legal Research.
- Randy F. suggested a long fact pattern with multiple issues. The students would be required to identify the issues; come up with a list of search terms; identify sources or types of print sources that they would use; and explain how they would use those sources (for example searching certain words in the index, or browsing tables of contents); they would also have to build in writing a terms and connectors search.
- Randy Davidson suggested that the best way to test attorneys would be to have rooms full of computers that the bar takers could use.
- Janice Selberg suggested that there would be a tendency for people to just learn canned responses. Randy F. responded that the students would not only have to indicate the sources and types of sources they would use (which could very well be canned), but would also need to spot issues and build in writing a Terms and Connectors search.
- Randy F. suggested that the result of the question possibly appearing on the bar exam would force law school to place greater stress on legal research, possibly leading to required classes that specifically taught legal research; and would also make the new attorneys more inclined to appreciate the necessity of learning legal research.
- There was quite a bit of additional discussion on the whole issue, most of which is not here recorded.
- Byron Cooper noted that legal writing has driven out legal research in the law schools
- Katherine Vance suggested that each law school class should include a legal research component
- Janice Selberg noted that the McCrate and Carnegie report had emphasized that legal education needs to be more practical in its approach, but that the most recent Carnegie report never even mentioned legal research – possibly because it was not written by lawyers

- Someone pointed out that the Supreme Court might be reluctant to add another component because they had added so many new topics all at the same time a few years ago and received a lot of unpopular feedback.
- Byron Cooper pointed out that 27 states now include a Multi-State Performance test. And that Legal research skills are a natural component of such a test
- Randy Davidson noted that a possible approach might be mandatory competency – that schools must certify that you have basic research skills. Byron noted that this would be a problem because other out of state law schools would not have such a requirement and so those people would have a problem when trying to get licensed in Michigan
- Janice Selberg noted that Judges have often commented on the poor quality of legal research

Sub-committee (task force)

- Janice Selberg suggested that a task force be set up to look into the issue further. Ruth, Randy Foreman, Laura, Byron and Janice agreed to work on the proposal.
- Ruth suggested that the subcommittee (task force) should prepare for the next meeting the following issues: 1) what other states are doing, 2) what the process would be, 3) examples of bad research skills, 4) examples of inadequacy of skills.

Expanding our Committee's jurisdiction

- On a side note, Barb Goldman suggested that since the legal education committee has been disbanded, that we should request that our committee be given jurisdiction over that.
- Several members agreed that we should attempt to do that

Emerging Issues

Ann Baker discussed the new One-stop process for setting up a corporation on-line. Randy F. logged on and began setting up a corporation – although there were some problems, and Ann indicated that the system was not real user friendly yet).

Next Meeting

The next meeting will be held on Saturday, Aug 29, 2009 in Detroit at the Arthur Neef Law Library at Wayne State.