

**STATE BAR COMMITTEE ON LIBRARIES, LEGAL RESEARCH,
& LEGAL PUBLICATIONS** (rev#3 12-17-2009)

**Minutes of Aug 29, 2009 Meeting
Arthur Neef law Library at Wayne State University, Detroit**

Present: Sharon Barnes, Jane Edwards, Ann Baker, Randy Davidson, Randy Foreman, Dan Kopka, Virginia Thomas, Jan Bissett, [Christopher Carr](#) (guest), Jennifer Schafer, Barbara Garavaglia, Marlene Coir

Absent: Barb Bonge, Ruth Stevens, Jennifer Selby, Marilyn Preston, Marjorie Gell, Kathryn Vance, Paul Edwards, Lance Werner, Janice Selberg, Byron Cooper, Laura Mancini, Barb Goldman (Note that ALL ABSENCES ARE EXCUSED, as each person responded they could not come, as opposed to just not responding).

Committee Chair, Randy Foreman, called the meeting to order at 10:15 a.m.

Chair's Report:

Committee Chair announced that that Marlene Coir, Lawrence Krefman, Ronald Pillar, Heather Simmons, Maria Stuby had been added to the committee.

Chair also noted that several members terms had expired and that President Elect had removed them from the committee, but that they had now all been reinstated as Advisors.

Next meeting is scheduled for 10 am Saturday Dec 12 at the State Bar building in Lansing. Chair noted that an early meeting was best, because of the many new members who have not attended a meeting yet, and the many articles that need to be assigned and written.

Copies of the following recently published Michigan Bar Journal articles by Committee members were provided: May – Lance Werner and Jeffrey Jocks, *An Overview of Electronic Environmental law Resources*; June - Barbara Bonge, *Internet Resources for Insurance Law*; July – Theme Issue (received an extra 100 that Bar was going to discard); August – Jennifer Schafer, *Searching for a Second Career*

Copies of an article entitled *Should Legal Research be Included on the Bar Exam?*, by Steven Barkan was provided, as well as a bibliography on the same topic.

Chair suggested that ALL future monthly columns that reference primary online sources, include a comment about the absence of authenticity and preservation. It was suggested by someone else that we should have an annual update on the status of the authentication/preservation issues – and that perhaps this could be an article in addition to our regular monthly column.

Chair commented that Michigan may be the only state that has a regular column devoted to libraries, legal research and legal publications.

Old Business:

a) Web Page project.

- Committee Chair reported that he had been unable to get recent statistics due to not requesting them soon enough.

c) Additional article sign-ups

- Randy Foreman reported that he had been able to fill the upcoming October article that Janice Selberg was originally going to do (Janice went to Africa and so was unable to write the article).
- The November article was taken by Marlene Coir.
- The December article on Tax Law had been taken by Marjorie Gell. She had been mistakenly removed from the committee however. She was reinstated, and agreed to write the article as originally planned.
- The January article on Cultural Awareness was taken by Julianne Claydon for from Cooley –GR. She will be joining the committee as an advisor.
- Jane Bissett had offered to do February issue on Indian law at the last meeting in April.
- Lance had agreed at the April meeting to do the General article for the March issue. Chair noted that if the new members are all anxious to write articles, that he will ask is Lance would be willing to give the article to one of them.
- The April Directory issue is done by Barb Bonge. It was noted that the Law Library information is mysteriously missing from the current directory issue.
- The May article on Disabilities and the Law (due March 15) is still unassigned.
- Marlene offered to do the June Probate and Estate Planning article IF Janice is not able to. (Currently Janice is in Africa and no one on the committee has contact information for her)
- Jane agreed to do the July topic on ADR.
- Virginia agreed to do the August topic on Administrative Law
- Ann Offered to do the Consumer law topic due in September (unless a new member wanted to do it).
- The October issue remains unassigned.
- The November UCC topic is unassigned. Chair noted that Dan had written an article on UCC due July 15 of this year for the current September issue, and that the theme topic had been moved at the last moment. Therefore, Chair suggested that the author of the November 2010 article write on a general topic.
- December 2010 topic is unassigned and is on Information Technology law.

d) Authentication and the Theme Issue

- Chair reported that 90 copies of the theme issue had been distributed at the American Association of Law Librarians (AALL) meeting during the Authentication presentation, and that the presenter had complimented Michigan for its efforts in this area.
- Chair also reported that Mary Alice Baish had complemented the committee on its article and journal cover (which contained the language from the Michigan Legislature's web site. (Mary Alice is the AALL liaison to the Library of Congress, and has been instrumental in increasing awareness and bringing about change in regards to the authentication and preservation of online legal authority).
- Chair then summarized the contents of the AALL authentication session (which had been made available on MP3 to the Chair). Relevant was that GPO is beginning to use PKI authentication on their PDF online documents. This is a digital signature. Also Utah is using Hashing encryption on some of their documents (hashing is numerical count of the byte value in the document). Chair also repeated the comments made above that the libraries committee should have an annual article update on the topic and also mention it in any article that refers to online primary resources.

e) Legal Research on the Bar Exam

- Virginia Thomas attended an AALL presentation on the topic during the July Annual Meeting. She offered a brief summary of the program, noting that the panelists underscored the importance of legal research to the legal profession. However,

- there was little discussion of action steps. Chair, concurred, having listened to and annotated the MP3 session. The principle speaker on the panel was Chair of the National Conference of Bar Examiners. She had said that Legal Research would indeed be tested on the bar exam within 3 to 5 years. But that made comments indicating that while she new it would be done with multiple choice questions, she wasn't sure what the content of those questions should be, and would like some input on the matter.
- The other speakers at the AALL session spoke about Advanced Legal Research and Specialized legal research sessions that they teach. They made rather useless comments about how great their law librarians are, and how they love a challenge. A couple commented that the specialized classes introduce new types of materials to the student and also showed the way those materials interacted – and that the skills learned from such classes were transferable to other fields of legal research. The purpose of the panel was apparently to try and explain what type of materials would be tested and how that testing would occur. Thus, the rather long winded and seemingly random comments of the panelists is somewhat clear in that they were of the opinion that the advanced and specialized LR classes would teach and test the type of content that would also be tested on the bar exam. One of the panelists offered guidance as to the best way to actually test – and it was not with multiple choice- it was with multiple choice that included short answers as to why one answer was selected and another was not. She went on to say that at her Law School in Wisconsin, that they used this short answer throughout the term with a series of ungraded tests with and feedback, rather than with just one big test.
 - Chair then discussed the Barkan article, *Should Legal Research be Included on the Bar Exam?*, and noted that Barkan essentially agreed with the our library committee's comments from our April 2009 meeting. Barkan noted that short answer or essay would be the most reasonable way to test Legal research because it would not be too expensive. He noted that an closed electronic and print resource classroom would be best but expensive and unlikely.
 - Chair mentioned that his current plan was to approach the Dean's committee of the state bar to see if they would support a proposal to put Legal Research on the bar exam. He stated that he would first talk to the Dean at Cooley, and noted that he had been advised that Cooley's dean and perhaps the other deans would probably not support this if it meant changing their curriculum.
 - Ann Baker suggested that rather than taking the proposal to the Dean's committee, to take it instead to the Judge's committee. Chair and several other committee members agreed that the likelihood of a favorable response was significantly higher from the Judges committee than the Dean's committee.
 - Virginia Thomas suggested that the committee survey Michigan Judges.
 - Chair suggested that the final proposal should include some sample questions and answers that could be used on the bar exam. Randy Davidson suggested that there may be grants available that could be used to investigate the best way to test legal research. Jan Bissett suggested the Aspen Hill Grant on Legal Research. Chair said he would look into it.

f) Expanding Jurisdiction of our committee to include Legal Education

- It was noted at last meeting that Legal Education sub-committee had been terminated and it was suggested that perhaps we could have jurisdiction for this area
- But it turns out that the area has been given to the Dean's Committee

New Business

- The Governor's executive order abolishing the State Library was discussed.

- Ann Baker noted that there was a Senate bill that would simply move the library to another department rather than dissolve it and redistribute its holdings to non state libraries.
- Jan Bissett noted that the senate had voted against the executive order.
- Ann Baker commented that the House would also have to do so for the order to be defeated, but that the House was controlled by the Democrats and so would likely not go against the governor.
- HB 5224 was discussed.
 - The bill proposes do away with a printed copy requirement for certain state primary legal authority. It was felt that the IT dept in charge of making such materials available online may not be concerned with preserving old versions. So the bill needed to at least address old versions of materials will be preserved.
 - Ann agreed to draft a letter to Janet Welch explaining the committee opposition to such a bill. Sharon Barnes had suggested that Janet Welsh would be the best person to address our concerns to, and that Janet may be able to get the bar to take a stand in opposition to the bill.
 - Randy Davidson noted that these budget related attempts to eliminate print will keep coming back, as they have for a few years now. He suggested that we look into the cost of having an outside vendor such as OCLC preserve and provide access to our primary state materials. He suggested that if our committee could come up with a proposal, that the state bar would likely support it, and pass it on to the Legislature.
 - Randy Foreman said he would investigate and attempt to write a proposal – and then present it to the committee for comments. Proposal on how to do it and what it would cost.
 - Also Randy Davidson suggested that an OCLC rep could meet our committee at the next meeting
 - We could also invite the state librarian to explain the current status of online preservation.
- SB 720-721
 - Speaks of electronic seals to official documents but does not define what an electronic seal is.
 - Ann will mention it in her letter to Janet Welsh

Emerging Issues

1. Ann Baker discussed the new One-stop website and indicated that it would be going through at least three major updates over the next few months. She noted that it is very easy but that there is some concern that the site may ask for social security number even when the user is not doing anything of such a nature that personally identifiable information is not necessary. She also noted that there is also a Call Center where everyone will just call the one number. Thus one web site, one phone number.
2. Randy Davidson will be teaching efilng – state wide training.
3. Sharon Barnes reported that the ejournal has now summarized 40,000 cases
4. Virginia reported that she will soon have her #2 librarian in place
5. Jan Bissett is teaching Library Science at Wayne
6. Randy Foreman reported that the new branch was opened with no problem with the ABA (this is a first)