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2-1-1996

Heafey Headnotes, Vol. 6, No. 3

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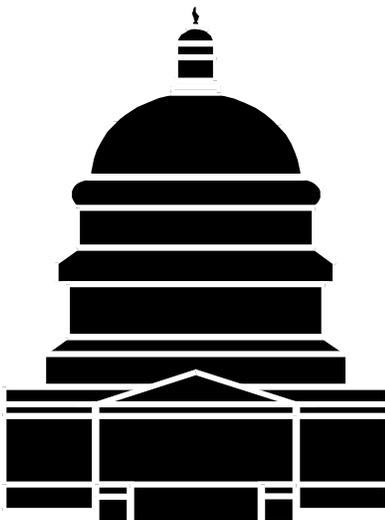
RESEARCH SURVIVAL TIPS II

Legislative History: What is it and Why the Heck Would I Need One?

By Leslie Campbell

You may have heard of something strange and wonderful known as a "legislative history" which provides insight into something even stranger: "legislative intent". Don't believe everything you hear!

Most people don't really know what a full legislative history entails (a lot of work and a load of documents) but the good news is rarely do you actually need to do one! In this article I will give you an idea of what a legislative history is, why you might need one and some shortcuts! (Oh, and none of this is applicable to California legislation because the California legislature has made it nearly impossible to compile a meaningful legislative history. But more on that later . . .)

The Internet

Searching The Web!

By Lynn Snyder, et al.

By now most of you have discovered that Netscape, a popular graphical browser for the World Wide Web is loaded on the computers in the lab. Netscape (or any other Web browser) lets you access World Wide Web sites anywhere on the globe.

The World Wide Web is a hypertext way of viewing the vast resouces of the Internet; hypertext provides links between documents so you

What is it?

A full federal legislative history of a particular piece of legislation pulls together each and every legislative document which was involved in the proposal, amendment, discussion and passage of that legislation. The key documents include: bills and amendments, committee hearings on the bills (and related topics), committee reports and prints, debates and discussion from the Congressional Record, and any presidential documents.

AND you may also need to include all of these types of materials on any related bills. AND you may also need to go back to prior congresses, if similar legislation was discussed.

This is a HUGE amount of documentation (notice I did not say a huge amount of useful information!) Congressional hearings alone can be several volumes of transcripts; congressional committee reports can be hundreds of pages long. (The "relatively" easy part is compiling it; pity the poor associate who has to wade through all this stuff!)

Why the Heck?

The most common use is to clarify an unclear statute by finding the intent of the congress that passed the bill.

(But remember this is persuasive authority only; the actual language of the statute is always controlling and case law interpreting the statute may be mandatory authority for your court.) Additionally, since these documents can include very detailed research reports, legislative materials can be useful for many other things.

The best case scenario (which hardly ever happens) is that somewhere (hopefully not too far buried in the acres and acres of documentation) is some **authoritative** statement that the statute in question was intended to do this or that (just what you want to use it to do) or that the law was never intended to apply to thus and such (exactly what your client just did!) There is no rule that the legislative history must include legislative intent language and it often does not.

Remember that you are looking for "authoritative" statements. The documents making up a legislative history vary in their authority and probative value. The self-serving statements of legislators in the Congressional Record are usually of lesser value than a well researched committee print or report analyzing every section of the bill. (Remember also your senator or representative may not

actually have spoken those pearls of wisdom found in the Congressional Record; comments can be submitted in writing or changed after the fact!)

Shortcuts!!!!!!!

CIS (CONGRESSIONAL INFORMATION SERVICE) is truly a miracle for legal researchers. This set indexes and abstracts EVERY congressional document from 1970 on and gives access to the full text set of documents on fiche (which we have in the library).

Even better, CIS provides annually a legislative history of almost all legislation passed that year! All you need is the Public Law Number. (From 1984 on there is an annual Legislative History Volume; pre-1984 histories are in the Abstracts volume). The history contains abstracts of every document relevant to that statute's legislative "birth". If a document looks irresistible to you, you can see the full text on fiche. (Orradre Government Documents has paper versions of some of the documents.)

USCCAN (UNITED STATES CODE CONGRESSIONAL AND ADMINISTRATIVE NEWS) provides you with an abbreviated legislative history and the full text of key reports. This is usually as much as anyone ever needs. These are also arranged by PL number. (USCCAN also gives you the text of the statute as passed.)

SOURCES OF COMPILED LEGISLATIVE HISTORIES by Nancy P. Johnson, gives access to pre-compiled (i.e. someone else already did all the work for you!!) legislative histories. This is crucial especially for legislation prior to the CIS set.

LEXIS and WESTLAW: Once you have compiled a legislative history, the next step (unfortunately) is to search through the piles of paper for the language you need. One way to make life easier would be to have the ability to search through that documentation online. Lexis and Westlaw are a partial answer, though neither provides full text of all the documentation you will need.

Both offer full text federal and state bills and bill tracking, so you can see the status of current bills. (But the federal bills only go back about 10-

12 years.) The Congressional Record is on both services.

Lexis provides full histories for selected statutes and selected reports and prints. Lexis also has the CIS compiled histories from 1970 on (just histories not the full text documents). Westlaw provides the full histories of certain statutes and the congressional reports from USCCAN. Environmental statutes are very well covered

ALAS, POOR CALIFORNIA
Unfortunately, doing legislative history in California is a different story altogether. We have the bills in the library. Bills and bill tracking are on Westlaw and Lexis as are some reports and analyses (though only going back a few years.) But hearings are not transcribed and reports are not necessarily published.

Your best bet is to contact the bill's sponsor (information you can find in West's California Legislative Service) and ask for help. There is also something called the Assembly File Analysis, which provides analysis of some pieces of legislation. After a bill becomes law, you can call the state archive and ask for the Governor's Chaptered Bill

(SURVIVAL Continued from page 3)
File, which may have relevant reports and possibly an analysis done for the governor. If you need help, see a reference librarian!

ONE LAST THING: OSCAR
Many of the CIS documents are fully cataloged on OSCAR so you can search there.

NUMBERS NUMBERS NUMBERS PL? HR? STAT? HELP!!

Federal legislative material can be identified by a dizzying array of numbers

Important Numbers :	Samples:
Public Law Number	Pub.L. or PL 103-1290
Statutes at Large Number	95 Stat. 1978
Bill or Resolution Number	S 1492 or H.R. 93
Report Number	H.R. Rep. No. 235,
	104th Cong., 1st Sess 23
	(1995)

(Note: there could be joint resolutions or reports and other formats.)

PUBLIC LAW NUMBER: When looking for particular legislation the crucial number is the Public Law (PL) NUMBER. Every statute is assigned a PL number in chronological order: i. e. the first law passed in the 103rd Congress is PL 103-1 and so on. Later, the statutes are arranged into their subject matter codes (such as Internal Revenue or Labor) and then they are cited with the familiar: 29 USC 204.

You can always find the PL number by looking at the statute in the USCA or USCS; at the end of the statute is a note that looks like this: Pub.L. 91-513, Title III, Sec. 1001, Oct 27, 1970, 84 Stat. 1285. This shows you the public law number and section, the date of passage and the **Statutes at Large** number. (Statutes at Large is the official publication of statutes prior to their being codified into the USC.) This will also show you the PL number and Stat. cite for every subsequent amendment to that section.

BILL NUMBER: Just like PL numbers, each bill is assigned a number in the order in which they were proposed. You can find Bill Numbers in Statutes at Large, USCCAN, and

New Oscar Features

Author/Title Search and Dipslay Previous Searches

OSCAR now lets you search by author and by words in the title at the same time. This works well when you know the author's name and at least part of the title. If the author has written a great deal, this will narrow down the results you get so you do not have to scan through a long list of books.

From the main menu:

Choose B> AUTHOR/TITLE
Type the Author's name then
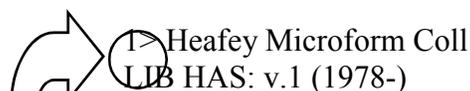Type words from the title.

It's that easy!

SEARCH TIP

FINDING LAW REVIEWS ON OSCAR JUST GOT EASIER!!

OSCAR now shows the call number!

When you find an article, you will see this screen:

Author: Frakt, Arthur
Title: Learning Disabilities: law school dilemma
Appears in: The National Law Journal 1994 v16, n48, August 1
Subject: Americans with disabilities act of 1989

1> Heafey Microform Coll
LIB HAS: v.1 (1978-)

TYPE 1 TO SEE THE CALL NUMBER

2 NEW SEARCH FEATURES:

Repeat/Display previous Search — Shows a list of your searches on OSCAR!

Author/Title Search — Search both the Author and Title fields at once!

You can also see a list of your most recent searches. Use this feature to review what you have searched so you do not forget anything. All you do is:

From the main menu:

Choose: P> Repeat/Display PREVIOUS Searches
It will show you the last 8 searches done at that OSCAR

Computer Lab Update

The Laptops Are Coming!

By Lynn Snyder

With the Ruffo Lab now open, the following software is available in the computer labs:

TOSO --

◆WordPerfect 5.1 and 6.0 (DOS versions)
◆CALI & Miscellaneous Tutorials
◆Westlaw
◆Lexis
◆scu_comm (email and OSCAR)
◆Netscape
◆and on the Macs, MS Word.

RUFFO--

●WordPerfect 6.0 (DOS version)
●WordPerfect Win 6.1
●MSOffice
●CALI
●Westlaw
●Lexis
●scu_comm
●Netscape

MSOffice was installed to satisfy numerous requests made by first-year students, but it was installed with the understanding that this suite of products is not currently supported by library staff. We are not a Microsoft environment, so please do not ask the Circulation or Reference staff for assistance with these products.

Please call the Computer Services Department (x5316) with Microsoft support questions; we will be monitoring the number of questions to assist us in determining the amount of support needed for this software.

Printing is available in both labs, with two LaserJets in the Toso Lab and one in

Beginning soon the library will be providing brand new, fully loaded laptops you can check out and use! You can check them out for 3 hours and use them in the library. There will be 2 pc's and a Mac; they will have e-mail access, Lexis and Westlaw, Netscape, and CALI. The pc's will have Windows,

WordPerfect 6.0 Dos and 6.1 and the Mac's will have MS Word.

At least at the outset, the laptops will be available whenever the library is open except on weekends when they must be returned

A PEEK OVER OUR SHOULDERS

-A glimpse of what the library staff is

By Diane Cascio

Evening Circulation Supervisor Norman Davidson has wide ranging reading tastes. He is usually occupied with a magazine of some sort, covering anything from bicycles to computer software. When he can find the leisure time to read a novel he might be found with **Louise Erdrich's** **The Beet Queen**, which richly evokes the landscape of Norman's native North Dakota. Another time he might select one of **Anne Rice's** vivid and absorbing vampire series.

Currently, Norman is making a foray into nonfiction with **Moving Violations** by **John Hockenberry**. Hockenberry is a journalist who has covered the world beat from the vantage point of a wheelchair. He has set his personal and political reflections against a backdrop of major world events such as Operation Desert Storm, the war in Afghanistan, and the eruption of Mt. St. Helens. The book is highly recommended.

Lynn Snyder, Computer Services Librarian, classifies her reading as something she "squeezes in for an hour" before collapsing for the evening or between her many outdoor activities. Mountain biking, hiking, skiing and life in general leave her with little reading time to spend on material other than computer technology. When she has the opportunity to spend a little extra time she selects from science fiction, paleontology, natural history, biography and fiction by women authors.

Lynn has managed to find one book that makes efficient use of her time by combining her professional and leisure reading. **Takedown: The Pursuit and Capture of Kevin Mitnick, America's Most Wanted Computer Outlaw--By the Man Who Did It** by **Tsutomu Shimomura**. This is the story of computer security expert Shimomura's seven week pursuit of a hacker who broke into his home computer.

Meet The Staff

Profile: Patricia Neff Head of Technical Services

By Barbara Friedrich

In January the library welcomed Patricia Neff to our staff as Head of Technical Services. Her department is responsible for the ordering, cataloging and processing of all library material as well as the upkeep of the OSCAR records in our library.

Patricia comes to Santa Clara with many years of library experience. Since 1974 she has worked for the libraries of UC-Berkeley, the State University of New York at Oswego, Auburn University at Montgomery, the National Center for State Courts and Washington University Law School. Before coming to Heafey Law Library, Patricia worked as a library training consultant for Innovative Interfaces, Inc., software provider of OSCAR.

New Acquisitions

Selected New Titles
Annotated by Kendra
Anderson

Americans with Disabilities Act Annotated: Legislative History, Regulations & Commentary. Arlene B Mayerson. New York, Clark Boardman Callaghan, 1994.

The author, Directing Attorney for the Disability Rights Education and Defense Fund, Inc. (DREDF) since 1981, provides this tremendous service to policymakers, businesses seeking to comply with the ADA, persons with disabilities, and lawyers litigating on both sides. Each provision of the ADA is followed by the complete legislative history, administrative regulations and interpretations, and case law.

Mental Disabilities and the Americans with Disabilities Act: A Practitioner's Guide to Employment, Insurance, Treatment, Public Access, & Housing. John Parry. Washington DC, ABA Commission on Mental & Physical Disability Law, 1994.

Intended to explain, through cases and examples, the importance of the ADA and its regulations for persons with mental disabilities and for their advocates and care providers. Features include an introduction to the ADA, a directory of contents, a subject matter index, and appendices on mental disability terminology, prior federal disability law, summaries of major case decisions, and a list of resources available nationwide.

ADA Compliance Guidelines: California Access Code: Americans with Disabilities Act Title III, California Access Code Title 24. 2nd ed. Dorothy L Grant, Thomas M Grant, and Daniel S Grant. San Diego, CA, ACR Group, 1994.

The intent here is to inform and provide the public with a concise and easily understood reference manual of the ADA Title III guidelines cross referenced with the California Access Code. This handbook gives a brief overview of the Act with an emphasis on Title III prohibiting discrimination by private entities in places of public accommodation.

Americans with Disabilities Act: A Practical Guide for Employers. Margaret Hart Edwards. Berkeley, CA, Continuing Education of the Bar, 1994.

This CEB Client Handbook, a compact, informative guide written in clear language for the non-attorney, is designed to alert clients to potential legal problems and help them avoid costly mistakes. It starts with an overview of the ADA and the effective dates and continues with enforcement procedures, how the ADA differs from other laws prohibiting employment discrimination, and it concludes with appendices containing forms, checklists, sample policies, letters, authorizations, and resources.

Implementing the Americans with Disabilities Act: Rights & Responsibilities of All Americans. Lawrence O Gostin, Henry A Beyer, eds. Baltimore, MD, Brooks Pub, 1993.

A compilation of writings from leaders in the disability rights field and the faculty of a national conference by this name put on by the American Society of Law, Medicine & Ethics and the N. Neal Pike Institute on Law & Disability. Part I is concerned with the modern history of the enactment of the ADA, together with the legal framework. Part II discusses in detail the four Titles of the ADA. Part III examines the innovative side of the ADA and tries to predict the future impact.

The Americans with Disabilities Act: Its Impact on Libraries: The Library's Responses in "Doable" Steps. Joanne L Crispen, ed. Chicago, ALA, 1993.

This is the published version of the ALA Association of Specialized & Cooperative Library Agencies Preconference in San Francisco, June 26, 1992. The experts herein help librarians to come to an understanding of the how, why, and when of the ADA implementation process. Included in the appendices are a self-evaluation survey, the ten commandments of etiquette, and samples of exemplary library programs and services.

How Libraries Must Comply with the Americans with Disabilities Act (ADA). Donald D Foos, Nancy C Pack, eds. Phoenix, AZ, Oryx, 1992.

This book is designed to assist library managers, administrators and staff members in meeting their responsibilities of making services and materials accessible. The contributors have provided their interpretations of the ADA as it relates to all types of libraries, how it may be implemented, the impact on school library media centers,

Although Patricia was born in Niagara Falls she attended school in Palo Alto and San Clemente and received her M.L.I.S. in Library and Information Studies and her B.A. in Comparative Literature and Slavic Languages and Literature from UC-Berkeley. She also attended the Pushkin Language Institute in Moscow.

Patricia came here to train our library staff when OSCAR was in the installation process. She says she was impressed with the library collection as well as the "hard-working and friendly library staff" and the library's reputation of high quality work. She also recognized the high service ethic present at Santa Clara.

When asked about her plans and projects in her new position, Patricia responded that she wants to enable the library to take greater advantage of the possibilities inherent in OSCAR, thereby streamlining the processing of material and obtaining more management and collection information.

Outside of work Patricia enjoys travelling and outdoors activities. Currently Patricia is taking yoga and tap dancing lessons. She belongs to the World Affairs Council of Northern California and has edited columns for the State Court Journal and Technical Services Law Librarian. She is an active member of the American Association of Law Libraries. Mystery novels are her favorite fiction material; she also collects books on the history and usage of words. Lately, however she has been reviewing law related material with the intention of attending law school sometime in the future.

To Patricia, the Bay Area is home, and she welcomed the opportunity to return. She appreciates the wonderful climate and scenery and the diversity of cultural events available. She says, "I am very happy to be here and I am looking forward to meeting more staff, students and faculty."

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Thanks to Omar Billawala for featuring the Library Staff in The Santa Clara Lawyer. We really appreciate it!

before the weekend supervisor leaves. Circulation staff will have to inspect and scan the laptops after each use, so there may be some time lag between checkouts. We will do our best to have them ready for checkout as quickly as possible.

Of course these are very valuable (and will probably be very popular) so there will naturally be draconian penalties for returning them late and/or removing them from the library. Overdue fines will be $10.00 per hour for the first hour and $20.00 per hour beyond that. If you are more than 3 hours late, you will be billed for the entire value of the laptop and all software. Failure to pay or return the laptop will result in the matter being referred to the Associate Dean. You will also be charged for any damage, and if you save files on the c-drives, they will be removed and discarded and you will be charged $10.00 for file removal.

can jump from one to another. Any document you pull up on the Web will have a number of bold-faced words (often blue) which, if selected, will lead you off in that topical direction. Forget any notions you have of an up and down, a beginning and an end. The links can take you off in any direction you choose. They can send you to another directory, a full-text document, or a graphic image which can

URL.

How to find things on the Web

If you are looking for information about a certain topic, you can use one of the search engines on the Web. These allow you to do subject searching of the millions of Web sites. This can be essential when you want to find things but do not have a specific URL.

Other search engines include **ElNet Galaxy** (http://galaxy .einet.net/galaxy.html), **Lycos** (http://lycos.cs.cmu. edu) and **WebCrawler** (http:// web crawler.com).

A new database and search tool allows you to do subject searches of full text legal journals and reviews on the Internet! **FindLaw** (http:// www. findlaw.com) provides searching of law reviews and journals. Also, they are developing an abstractiving service which will distribute abstracts of upcoming law review articles in various topical areas. Researchers subscribe, specifying the areas of interest. The service is free, so far. (The URL for the abstracting service is: http://diglib.stanford.edu/ lawcgi /join/add.cgi).

To see lots of great web search engines, check out our Ready Reference Page
http://www.scu.edu/SCU /Departments/Law/library /heafref.htm

be sitting on a computer system oceans away! The means by which you get to this remote system — whether it's telnetting, ftping, or through a gopher — is transparent .

Url's

You can also go to specific "addresses" or URL's if you have heard of some great site. On Netscape you simply hit the "open" button at the top of your screen and type in the

YAHOO is one of the best ways to search for topics on the Web. It lets you select a general subject area and enter a word search for relevant sites and documents on the Internet. (For instance, you could easily and quickly find a site with beautiful reproductions of each Vermeer in the recent exhibit just by selecting the topic "Art" and searching for "Vermeer".)

There is an easier way

Thanks to **Prano Amjadi,** one of our webmasters, the library's very own Ready Reference page can link you right to a these and other great web search engines. This makes for a great launching pad for serious web searching.

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