

FIAT LUX

Let There Be Light!

S T . T H O M A S U N I V E R S I T Y L A W L I B R A R Y

W H A T I W I S H I W O U L D ' V E K N O W N A S A 1 L ...
B Y A D A M R U S S O

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"Don't expect your lives will be like 'Law and Order,'" said Professor Pendo to her jaded 1L class, "being a lawyer is more about sitting for nine hours and studying." At the time, I shrugged off this comment, thinking it was nothing more than professorial scare tactics. Now, with two years of law school under my belt, I grudgingly must admit to the truth behind the statement. Being a lawyer, or being a good law school student, is all about mastering a particular subject area in the law to the point where you can write or speak effectively on it.

But neither a lawyer nor a law student can become the master of a legal subject matter if they can't get their hands on the necessary materials. So, once out of law school and in the real legal world, the question for every lawyer becomes how to find the materials relevant to your inquiry without the aid of a casebook that gives you everything. If one has good legal research skills, then the problem should not be overwhelming. But often enough I have found that law schools and law students do not pay enough attention to this very important skill.

I myself fell into this trap early on in my 1L year. Within a few weeks after the start of school, my Legal Research and Writing class assigned us a complaint to write for an issue that none of my classes had covered. I needed the forms and the law on my subject matter, and I could not rely on all the information being right in front of me whenever I cracked open a casebook. So, thinking I could get everything I needed online, I struck out on Westlaw. Three hours later, I found myself exactly where I started. Trying to use Westlaw alone and unaided was absolutely baffling. As for the law on my topic, I did one Keyword search after another and pulled up thousands of case documents which I had no time to read and which seemed only marginally relevant to my subject matter. Forms were another problem altogether. I became very frustrated and wondered if I'd fail.

The next day in class, I asked my professor about it. "Have you gone to the library?" she asked. I mumbled that I had not. A few minutes later I found myself amidst the dusty library shelves, piecing through vast volumes of cases and forms. I was still lost, but then I asked one of the staff to help me. They pointed out the way, and within an hour, I had all the forms I needed and a good start on the relevant case law! More importantly than all of that, however; I found out that my legal research skills were in need of a complete overhaul.

Since that time, I have devoted myself to learning how to research legal topics as efficiently and thoroughly as possible. One step in doing so was to get a job as an intern at the St. Thomas Law Library. In my time working here, I have been taught how to use Westlaw, Lexis, and other databases (provided free by the St. Thomas library system) to find important information on almost any legal topic. I have also learned to use and appreciate the nearly endless information the library has on its bookshelves. While learning how to use Westlaw and Lexis is important, once law school is over, it is no longer free! Therefore, to keep costs manageable, one must be comfortable sorting through the stacks of information which a library has to offer in its physical volumes.

Learning all of these important skills not only allows me to help my classmates when they're searching for material; it also makes me a more confident student. Knowing that I have the skills to track down whatever information I need helps me be able walk into any class or exam knowing that I have seen all of the relevant material, and that as long as I've applied myself, I'll be able to do well. That, I think, is one of the main differences between a law student who knows how to research and one who doesn't.

I only wish I could've known most of what I know now when I had started law school. Part of me feels as though there should be a separate class devoted solely to the practice of learning to use Westlaw, Lexis, and the Library. It seems to make no sense that law students are being produced with the ability to comprehend endless esoteric legal knowledge, but without the ability to get their hands on the knowledge itself.

Lawyers on TV are usually depicted as being smart, ruthless, and constantly on the go. But the reality of the situation is a far cry from TV, just like my professor had said. The key to being a good lawyer, I have found, is to build your legal research skills to the point where help is no longer needed to find any of the relevant information about your topic. It's not glamorous, for sure, but then again, the real practice of law was never meant for television. It was meant for the library.

A CELEBRATION OF CONSTITUTION DAY

BY KELLY MILAM

"Constitution Day" is the official day set aside to celebrate and honor the legacy of our founding document.

This year will mark the 221st anniversary of the signing of the United States Constitution. The constitution was originally signed on September 17, 1787 and was ratified into law in 1788.

The lack of explicit guarantees of individual rights almost derailed its ratification. In response, amendments guaranteeing these rights were added for the States to ratify. Since then, over 11,000 amendments have been proposed, only 27 of which have actually become law.

In the original draft of the Constitution, the current First Amendment was actually third behind amendments dealing with apportionment and Congressional pay raises, neither of which survived ratification. It is interesting to note that more States supported the right of civilians not to have to quarter soldiers (the Third Amendment), than did freedom of speech.

Those who opposed the Bill of Rights did so because they feared that such a list would imply that these were the only rights we had. Despite James Madison's inclusion of the 9th Amendment, explicitly stating that we retain other rights which are not enumerated in the Bill of Rights, the existence of unenumerated rights, such as the Right to Privacy, have proven controversial in the Courts.

In honor of Constitution Day at St. Thomas University Law School, the Law Library has created a fun crossword puzzle to test your knowledge of the United States Constitution. If you get stuck, you can visit the following web sites for help:

<http://constitutioncenter.org/ConstitutionDay/>

http://72.32.50.200/constitution/details_explanation.php?ink=003&const=00_pre_00

Across

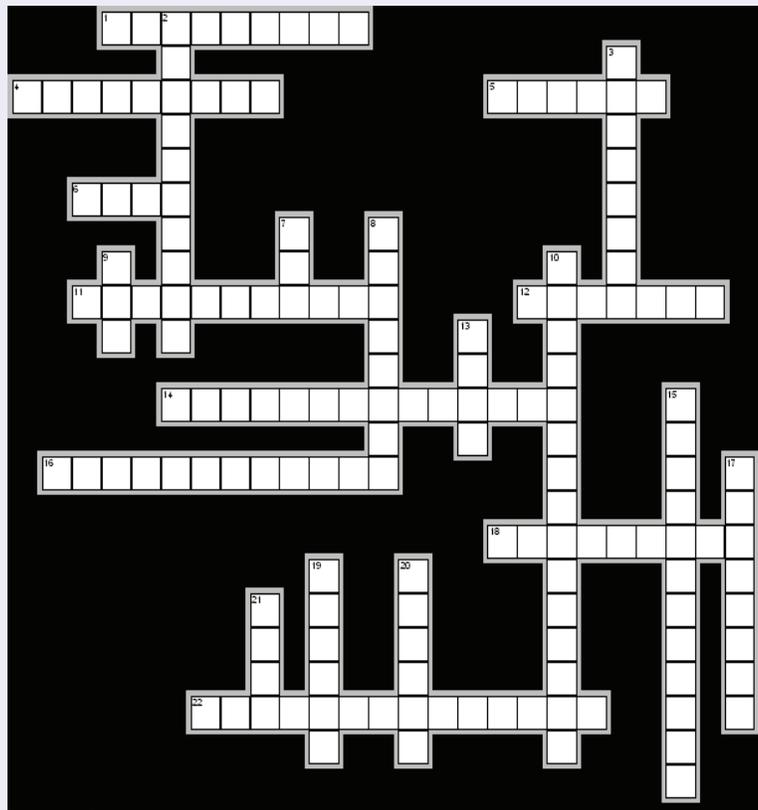
1. The duty of the Judiciary is to _____ the law.
4. The shortest and least explicit Article of the Constitution addresses this Branch of government.
5. The Tenth Amendment deals with the _____ of the States, not the Rights of the Individuals.
6. The right to trial by _____ is guaranteed by the Seventh Amendment.
11. The total number of proposed amendments to the Constitution that have been adopted into law.
12. The Sixth Amendment grants the right to a speedy trial and the assistance of _____.
14. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law....
16. This was added to the Constitution in 1791 out of concern that it lacked any discussion of individual rights.

18. The primary responsibility of this Branch of Government is to "take care that the laws be faithfully executed."

22. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Down

2. The number of original signers of the United States Constitution.
3. The last name of the oldest delegate to the Constitutional Convention.
7. The Article of the Constitution that spells out the powers of Congress.
8. The Branch of Government that the Framers envisioned as being the most powerful and which was explicitly granted the power to collect taxes, borrow money, regulate commerce, establish post offices, and declare war.
9. The Article of the Constitution that deals with the Presidency.
10. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
13. The Second Amendment guarantees the right of the People to keep and bear _____.
15. The name of the city in which the United States Constitution was signed.
17. The name of the introductory passage of the Constitution, which states its general purposes.
19. The prohibition of cruel and unusual punishment is established by this Amendment.
20. The power of Judicial _____ in the United States gives our courts much more influence than enjoyed by courts in other countries.



A I L ' S Q U I C K G U I D E T O T H E A M E R I C A N L A W R E P O R T S I N P R I N T

1. Formulate the Topic of Your Search

- Usually the easiest portion of the research process, this step requires you to distill the topic for which you are searching into a few words. Usually, this portion of research will be the starting point for your research, such as when your boss or professor asks you to research a specific topic. Sometimes, however, no specific topic will be given to you. Instead, a case with multiple issues will be your starting point, and from there you will have to consider which issue will become the basis for your search topic. For example, if your boss requires you to research *Michael H. v. Gerald D*, 410 U.S. 110 (1989) you will want to narrow down whether he wants you to find out about substantive due process, paternity, presumptions in family law, or one of the other topics that case covers.

2. Find out Which Area of Law You are Going to be Searching

- Law in the United States can be divided into two major categories: state and federal. State common, statutory, and constitutional law are the focal points of state law, while federal statutes and the federal Constitution are the primary sources of federal law. It is important, before you begin to search the ALR, to know which type of law you are looking for as these two types of law fall under different sets of ALR indices.

3. Find and Search the ALR Index or Digest

- The ALR Index is an alphabetical guide to state law topics covered in certain sets of ALR volumes. On the other hand, the ALR Digest is an alphabetically organized set of state case headnotes according to their West Key Number. In the federal realm, ALRFed Quick Index combines both of the styles of these two. These search guides allow you to quickly jump to your desired topic. Additionally, the ALR Digest breaks down each topic according to its West Key Number, giving you the total picture of relevant law in a certain field. Of course, you should be careful to check the pocket part of the index you're working with to make sure to find the most up-to-date information. For example, if you wanted to search for what happens when a child allows the police to search his or her par-

ent's home, you might look up "police power" in the ALR index. When you got there, you would find that "Search and Seizure" was described in another volume of the index. Once you got to the search and seizure section of the ALR Index, you would then go down the alphabetical list of subtopics until you got to the term "Relatives." In this subsection, you would find the volume number and page number of the annotation for the subject matter in both the ALR and the ALRFed.

4. Go to the Designated ALR Volume and use the Annotation

- At this point, the ALR has saved you countless hours of individual research, as long as you know how to read the indices. Important to understand, there are 6 series of ALRs and 2 series of ALRFeds. A later series' annotation may supersede an annotation on the same subject in the series before it, or may not have an annotation about that topic at all. It is important to keep in mind the currency of the information you have found. Now that you have found your way to the topic you were searching for, you must read and consider the annotation. The annotation will usually begin with a short descriptive paragraph detailing its scope, then proceed to an article outline and practice pointers, give a list of cases dealing with the topic area (categorized based on jurisdiction), and finally explain the principle for which you are searching. Remember always to look through the pocket part!

5. Don't stop here!

- Once you have read the annotation and checked out some of the cases, remember that this is only the beginning of legal research. One should consider many other resources before one begins to write on a specific topic area. In particular, there may be law review articles which are helpful or explanatory for your particular topic, and of course, one may want to look for newspaper or magazine articles to round out their understand of the facts underlying the case.

L A W L I B R A R Y L A B O R D A Y W E E K E N D H O U R S

Friday , Aug. 29th

7:30am—6:00pm

Saturday, Aug. 30th

10:00am—6:00pm

Sunday, Aug. 31st

10:00am—6:00pm

Monday, Sept. 1st (Labor Day)

10:00am—8:00PM

Resume Regular hours Tuesday, Sept.. 2nd, 2008



**ST. THOMAS
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<http://www.stu.edu/lawlib>

**Providing the legal research skills and
resources today to the lawyers and
leaders of tomorrow!**

Law Library Mission Statement

To provide access to the legal information necessary to support the mission of St. Thomas University School of Law by acquiring assets providing comprehensive citation retrieval and the ability to deliver the full text of the documents cited; to support the teaching and research programs of the school of law through direct, continuing and informed relationships with faculty and through programs that educate students about the use and cost of all formats of legal information; to provide access to legal information and publications for St. Thomas University, as a whole.

LAW LIBRARY SPOTLIGHT

In December of 2005, Adam Russo graduated from College of Charleston with a Bachelor of Arts Degree in English literature. Not knowing what to do with a liberal arts degree, Adam pursued a career as a high school level basketball official. Doing so sparked his interest in law and its application to certain sets of facts. After a few months as a referee, Adam applied to multiple law schools and received an offer to attend St. Thomas University. He quickly accepted this offer.

Since August of 2006 Adam has been a member of the St. Thomas University School of Law student body. He has excelled at his studies, earning a high class rank. Midway through his second year at St. Thomas, Adam began to realize the extreme importance of professional quality legal research and writing skills and he sought out a way to quickly upgrade his ability in that area. An opportunity to do just that presented itself in the form of an internship at St. Thomas' Law Library.

In his short time at the St. Thomas Law Library, Adam learned many helpful and speedy research techniques. He also learned the necessary skills to quickly identify the proper resource to help

an assistance-seeking patron. In the future, he plans on joining the American Association of Law Libraries in hopes of being able to further expose himself to the methods which law librarians use to quickly summon up vast quantities of information.

Adam looks forward to completing his JD in the Spring of 2009, to moving home to his native city of Charleston, to completing the South Carolina Bar Exam successfully, and to gainful employment as either a law librarian or as a lawyer in the Charleston area.



Adam Russo