

December 2019

## The State Law Library

Ellen Crowley

Follow this and additional works at: <https://scholarship.law.uwyo.edu/wlj>

---

### Recommended Citation

Ellen Crowley, *The State Law Library*, 4 Wyo. L.J. 35 (1949)  
Available at: <https://scholarship.law.uwyo.edu/wlj/vol4/iss1/5>

This Special Section is brought to you for free and open access by Law Archive of Wyoming Scholarship. It has been accepted for inclusion in Wyoming Law Journal by an authorized editor of Law Archive of Wyoming Scholarship.

done by Republican politicians, as attested by the record; it won't be done by the Democratic politicians, as attested by the record of the current administration. It will be done only as a result of Republicans and Democrats working together as Americans.

When people say Les Miller is expounding a Republican doctrine such is not the case. I might read you something that was said 150 years ago by one of the great statesmen of all time in American life, Thomas Jefferson, founder of the Democratic party, who, in one of his state papers said: "I place economy among the first and most important virtues, and public debt as the greatest of dangers to be feared. To preserve our independence we must not let our leaders load us with perpetual debt. We must make our choice between economy and liberty, or profusion and servitude. If we run into such debts, we must be taxed in our meat and drink, in our necessities and in our comforts, in our labors and in our amusements. If we can prevent the government from wasting the labors of the people under the pretence of caring for them, they will be happy. The same prudence which in private life would forbid our paying our money for unexplained projects, forbids it in the disposition of public money. We are endeavoring to reduce the government to the practice of rigid economy to avoid burdening the people and arming the Magistrate with a patronage of money which might be used to corrupt the principles of government." Those are words of Thomas Jefferson to which I ascribe, words which guide me in my thinking as to what constitutes proper handling of public affairs today.

You have trained minds. What is your responsibility in this matter? If we have delegated too much power to the bureaus in our government, is it not the responsibility of trained minds like yours to do something to reassert your Americanism? I leave that responsibility with you.

## THE STATE LAW LIBRARY

ELLEN CROWLEY\*

It is rather presumptuous of me to appear before this auspicious gathering and say "put me to work." I am well aware of the adage involving fools and angels. I recall also, however, a statement that sounds like a Chinese proverb: "Observe the turtle. He makes progress only when he sticks his neck out."

My real purpose in being here is to try to attain a meeting of the minds, namely, what do the members of the Wyoming Bar expect of the State Law Library? In lieu of a better approach, I shall tell you what the State Law library has to offer. Then it will be your turn.

---

\* Wyoming State Librarian.

You tell us either expressly, or inferentially by your demands, what you want.

The first job of a law librarian, of course, is technical. It involves book selection and cataloging. This requires a knowledge of what books the library already has, and what books it needs. From its inception the State Law Library has been under the direct supervision of the judges of the Wyoming Supreme Court. Under their guidance the library has expanded and prospered and now you have one of the finest law libraries in the Rocky Mountain Region.

Book selection is not simply a routine matter of keeping up to date on continuations, i.e., the reporter system, the state reports and statutes, the periodicals, and the new editions of text books. The requirements of the users of any library determine the book purchasing policy after, of course, the basic well-rounded collection is established. For example: we have the Pennsylvania Statutes up to date by referring to the 1936 edition and to the subsequent 8 volumes of session laws. That may very likely be adequate. But if we receive frequent requests for these laws it may be advisable to purchase Purdon's Annotated Statutes. In one small volume and the current pocket parts, this set gives you the current law, statute and cases, and historical notes. At the same time all the other topics would be available for other users of the library. New York and New Jersey have also codified and annotated their laws just like the U.S.C.A.

What is the librarian's relationship to the contents of the books? It is not sufficient that he know that the state reports are to the right of the loan desk, and the statutes to the left and that both classifications are alphabetized by state. The librarian should not exist in a vacuum. It is not asking too much that he know both the location of the books and their intrinsic value. He need not know the law, but he must learn to differentiate the treatises. He can tell you that one of the best treatments on copyright law is located in 18 C.J.S. He can advise you that Teller's is the most exhaustive exposition on labor law, but he should warn you that his footnotes and cases have to be checked carefully as they have often been found not to be precisely in point. In the field of medical jurisprudence, the law librarian can suggest Gray's text if you are interested in fractures, mentality, infectious conditions and occupational poisons; or Reed & Emerson for diseases and their relation to injuries; or Roger on Expert Testimony or Wigmore or Richardson if it is the law of evidence that is the phase of medical jurisprudence that is your problem.

The non-lawyer law librarian can be very useful to the members of the bar. His training supplements yours. Texts, statutes and reports are not your only avenues for information. Periodicals, both legal and miscellaneous, general non-fiction, and government documents may complement your research. The Journal of the American Medical Association, for example, may contain an article on a certain

type of infection or bone disorder resulting from an accident, which knowledge the layman isn't expected to possess. Having this understanding, however, the lawyer may be in a more secure position to plead or argue his case.

There are certain facts and statistics found in miscellaneous books that may be very essential to the lawyer. As an instance where the non-lawyer law librarian contributes to your profession, take this case: There is a law in New York requiring registration, and payment of a nominal fee by all private non-sectarian elementary schools. *Quaere*: Is this discriminatory? You live in Powell and your library is limited, and your time is even more precious. If you write or consult your law librarian, he can pave the way for your study and trained concentration. You must lay the groundwork, however. If you pose a hypothetical question you will receive an inadequate answer. Give all the facts, and advise the librarian of what you already know, i.e., cite the applicable statute and also the constitutional guarantee against class discrimination. It is advisable also to give the librarian an idea of the amount of research you have already done so that there will not be a duplication of efforts. Then propound your questions: What is the legislative history of this act?

What has been the economic and social trend?

How many private non-sectarian schools are there in the state?

What is their purpose and what is the source of their revenue?

What kind of results have they produced?

What are their educational standards? How do their standards compare with those of public schools?

You don't need to give your stand on the matter. Your librarian not knowing whether the plaintiff or defendant is your client, will give you both the pros and the cons. With this ammunition you can't fail to be prepared to write a fair and erudite brief.

If time is of the essence be sure to make this known. Warn the Librarian that you need the material within the week, in a couple of weeks, or overnite.

Ideally, the law librarian should write you a detailed memo of his findings. He may, however, summarize the research by writing a brief memo in the form of an annotated bibliography. Or he may advise you that he has some material which he thinks is useful, that it comprises the enclosed list of books and periodicals, that he will send them upon request, or arrange them on a table reserved in the library for your use. This procedure will often save you at least two weeks spent on research. When you do come to the State Library then your time will be used to a better advantage.

The lawyer law librarian can prepare this material for you and in addition he can digest the cases and write memoranda of law. He can Shepardize a case for you, but be sure to advise him exactly what

you want: all the cited cases, the status of the particular case being shepardized, or other cases are there on a certain point? You can ask him for THAT case handed down last year which involved discrimination against negroes in a housing project; or THAT decision about the legality of a state statute making it mandatory that school children salute the flag. You can say "find me just one recent case wherein it was stated, in effect, that legal precedents are now like a one-way pullman ticket."

Probably one of the most elusive quests I had occurred about 2 years ago. Westbrook Pegler wrote in his column that in a "recent" decision in the Supreme Court, Justice Frankfurter made the following statement: "The notion that because the words of a statute are plain, its meaning is also plain, is merely pernicious oversimplification." After an exhaustive but fruitless search of "recent" decisions covering the past 3 years, I called Pegler's office. He was out of town, and I was referred to the editor of a bar association in Brooklyn whom Pegler was in reality quoting. I called there and within the week that editor had refreshed her recollection and produced the citation: *U. S. v. Monia*, 317 U. S. 424, 431, handed down in 1942, Frankfurter dissenting.

The time element in any reference library is the greatest of all problems. Given the necessary leisure, your law librarian should be able to trace legislative history, watch for current decisions on certain points of law, advise you of the status of cases before the Supreme Court, compile bibliographies for your law review articles, and alert you on important or pertinent law review articles as they appear monthly or quarterly.

If there were a demand for it, we would like to cooperate with the University Law School and prepare a quarterly mimeographed bulletin digesting the law reviews and annotating the new texts. This project would require, first, a need for such publication; second, the assistance of the law review students; and finally a briefing by the members of the bar concerning the topics to be covered.

The Law Librarian will not advise you or the layman what the law is. He will not answer questions such as—Am I a citizen of the United States? How can I get the alimony I am entitled to? Can I sell liquor to Indians? We have no intention to practice law—that is *your* job.

In closing, permit me to make a recommendation that is neither theoretical nor superfluous. No matter what kind of service you want from the State Law Library, be explicit in your requests. If you want the Arizona Statutes, do you want all the volumes plus all the session laws bringing the statutes up to date? If you want *U. S. v. G. E.* do you want us to Shepardize it to make certain that it is still the law? If you want some cases on restrictive covenants do you

want only Wyoming cases, or will the decisions in other jurisdictions be suitable if Wyoming hasn't passed on the point? If you want a text on libel and slander, will Newell's 1924 text fill your needs or shall we supplement it with one of the Law Institute pamphlets, or American Jurisprudence or law review articles?

There are many types of law librarians, and I think you have most of them at your disposal. In the Miscellaneous Division of the State Library, Miss Gladys Dawson is a trained librarian very capable in her research and reference work. Mr. Albert Wm. St. Clair has worked in the Documents Division for about three years and is well acquainted with the storehouse of material that he has so well organized. Mrs. Eveline Smith had catalogued the legal texts and many of you are already aware of the service that she has rendered as Deputy State Librarian. For the past few years I have been serving 23 lawyers in New York City. Now, as a native daughter, I am very happy to return to Wyoming, and have the opportunity to serve the lawyers of these twenty-three counties.