

# CHECK IT OUT

Lucille Stewart Beeson Law Library Newsletter  
Cumberland School of Law of Samford University

<http://lawlib.samford.edu/cio>



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## Law Library Thanks Stoddard for Her Generous Gift

by Becky Hutto,  
Cataloging Librarian  
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Belle Stoddard, Assistant Professor & Director, Lawyering Skills and Legal Reasoning, generously donated a copy of the first edition of *History of a Law Suit, In The Circuit Court of Tennessee* to the Law Library. The author of this book, Judge Abraham Caruthers, was the founder and first professor of the law school at Cumberland University in Lebanon, Tennessee. The history of this book is outlined on page 27 in *From Maverick to Mainstream : Cumberland School of Law, 1847-1997* (KF292/.C864/- L36/1997), written by David J. Langum and Howard P. Walthall. The authors wrote that when Judge Caruthers met with the first seven Cumberland law students, he took his lesson from the book he had just written, *History of a Lawsuit*. Caruthers died in 1862, and several generations of Cumberland faculty continued to edit and provide new editions of this treatise. The eighth and final edition was

written by Sam B. Gilreath and Bobby R. Aderholt after Cumberland was moved to Birmingham. Since the first publication in 1852, this book has been considered the leading treatise of Tennessee pleading and practice.

The title of the book has changed with the different editions. Currently the Law Library has copies of the following editions, with one copy of each shelved in the Friendship Room. The first

edition will also be shelved there. Professor Stoddard has also purchased copies of the 2<sup>nd</sup> and 6<sup>th</sup> editions to complete our collection. Again, the Law Library thanks Professor Stoddard for her generosity.

- *History of a Lawsuit*. 3<sup>rd</sup> ed., 1888. [KFT530/.C37/1888]
- *History of a Lawsuit*. 4<sup>th</sup> ed., 1903. [KFT530/.C37/1903]
- *History of a Lawsuit*. 5<sup>th</sup> ed., 1919. [KFT530/.C37/1919]
- Caruthers' *History of a Lawsuit : A Treatise on Procedure in the Courts of Tennessee, With Forms and Rules of Practice*. 7<sup>th</sup> ed., 1951. [KFT530/.C37/1951]
- Caruthers' *History of a Lawsuit : A Treatise on Procedure in the Courts of Tennessee, With Forms and Rules of Practice*. 8<sup>th</sup> ed., 1963. [KFT530/.C37/1963]

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### In This Issue:

Samford Email Mailbox	
Size . . . . .	2
Visiting Librarians . . . . .	2
Research in Statutory	
Codes . . . . .	3
Cumberland Book Club . . . . .	5
Recent Acquisitions . . . . .	5
Changing Habits II:	
Alabama Legal Treatises	
Online . . . . .	5

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## LAW LIBRARY SCHEDULE

**MONDAY-THURSDAY**  
7:30 A.M.-  
12 MIDNIGHT

**FRIDAY**  
7:30 A.M.-10:00 P.M.

**SATURDAY**  
9:00 A.M.-10:00 P.M.

**SUNDAY**  
1:00 P.M.-12 MIDNIGHT




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## Samford Email Mailbox Size

by Grace Simms,  
Computer Services Librarian  
[glsimms@samford.edu](mailto:glsimms@samford.edu)

The mailbox size for Samford email is only 50 MB. This is very small considering all of the email that students receive each day.

If students don't stay on top of how much email is in their Samford email, their account will be blocked.

One way to alleviate this problem is to forward Samford email to another email account such as Gmail. To forward Samford email, a rule will need to be created.

The Rule button can only be seen if Internet Explorer on a PC is used. If you have a Mac, please use a lab computer to set up your rule. Rule instructions may be found here:

<http://lawlib.samford.edu/labs/forwardoutlook2.htm>

It is important to note the very last step. Once entering the email address that will receive the Samford email, you can either choose to keep a copy or not to keep a copy in the Inbox. If checked, email will go to the forward account as well as the Samford account. If not checked, email will only go to the forward account.

If you use ActiveSync on a cell phone to access Samford email and you go over the mailbox size limit, your account will be disabled and you will no longer receive email on your iPhone, etc. Please let me know if this happens to you.

If you have any questions, or need help with any of the above – please contact me at: Grace Simms, Computer Services Librarian, 726-2687, or at [glsimms@samford.edu](mailto:glsimms@samford.edu).



This is the last issue of **CHECK IT OUT** for this semester. Three issues will be published during the Spring Semester beginning in January 2010. If you have any ideas or suggestions as to ways we can improve, contact **Becky Hutto** via email at [rmhutto@samford.edu](mailto:rmhutto@samford.edu). We look forward to the Spring Semester and new issues of the newsletter.

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## Visiting Librarians

The Law Library will be hosting the fall meeting of the Law Libraries Association of Alabama (LLAA) on Friday, October 30.



This organization is a chapter of the American Association of Law Libraries, a nonprofit educational organization, founded in 1906. The speakers scheduled for this meeting include our own professors, Belle Stoddard and Albert Brewer. The meetings will be held in the law school moot court room with lunch in the Great Room. Law librarians from throughout the state will be here. Please welcome them to Cumberland School of Law and Beeson Law Library!

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**Thanksgiving hours  
will be posted on the  
kiosk outside the Law  
Library and on the  
[Law Library web site.](#)**



## Research in Statutory Codes

by Brenda Jones,  
Reference Librarian  
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At times, statutory research can be a daunting task. Each year, the U.S. Congress and all fifty state legislatures enact many laws on myriad topics. Publishers compile these legislative acts by date in sets called session laws. They then publish these same acts in statutory codes arranged by subject rather than date.

A number of problems are inherent in researching statutory law. Instead of plain words, legislators may use technical or obscure language, and incorporate related matter by reference. For instance, Ala. Code § 25-13-1 on elevator safety covers “automated people movers” as defined by civil engineering standard ASCE 21. Sometimes definitions or other provisions are codified in sections far removed from their application. Alabama’s initial statutory chapter, for example, contains definitions and rules of construction that apply throughout the entire code. Fortunately, the following features offered by many commercial publishers help researchers overcome these and other hurdles.

### Case annotations

Many states publish their statutes free on the internet. Although a handy, cost-effective resource, these web-based codes usually are not annotated. For instance, the internet version may have no mention of a court case declaring a code section unconstitutional. On the other hand, editors at West and Lexis add valuable annotations, summarizing and citing cases that analyze, interpret and apply the law.

### Currency notes and updates

West, Lexis, and other commercial publishers specify the latest legislative session covered in their publications. They routinely issue print supplements or electronic updates with timely, current information.

### Cross-references and notes

Besides case notes, annotated codes contain many references to related statutes, regulations, books, encyclopedia articles, journal articles, digest topics, ALRs, effective dates, history notes, model law commentary, indications of repealed or transferred provisions, and more.

### Popular name tables

Some laws are known by shorthand or common names not repeated in code language. For instance, a full-text search in the Alabama code for “false pretense act” returns no match. Whether print or electronic, the popular name table leads straight to the relevant law at Ala. Code § 13A-8-2.

### Keyword indexes

A “back-of-the-book” index is just as valuable online as in print. Subject indexing prepared by editors familiar with the law is often an efficient finding aid. Index headings for “definitions” or “defined terms” are particularly helpful.

### Tables of contents

Most researchers benefit from a clear understanding of the entire statutory framework at issue. For example, the elements of a particular crime may appear in one part of the code, with related punishment in an entirely different area. Typically, statutory codes are broken down by titles, chapters, articles, and sections. In print or online, browsing the table of contents is one way to put matters in context and find relevant, related provisions.

As illustrated in databases for Alabama statutes below, features vary by publisher. At the top right of the screen, Westlaw displays links for table of contents, index, and popular name table.

The screenshot shows the Westlaw search interface. At the top, there is a navigation bar with links for FIND & PRINT, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, FORMFINDER, and SITE MAP. On the right, there are links for HELP and SIGN OFF. Below this, there are tabs for Investigation, Litigation, Alabama, Law School Classic, Business & News, and Librarians. The main search area includes a search box, a "Search Westlaw" button, and a "Thesaurus" link. There are also dropdown menus for "Recent Searches & Locates" and "Fields".

Although LexisNexis has no link for index or popular names, an expandable table of contents automatically appears with the file for Alabama statutes.

The screenshot shows the LexisNexis search interface. At the top, there is a navigation bar with links for Search, Research Tasks, Get a Document, Shepard's®, Alerts, Total Litigator, Transactional Advisor, and Counsel Selector. Below this, there is a "View: TOC" section with a page indicator "1 - 45 of 45". The source is listed as "Legal > States Legal - U.S. > Alabama > Find Statutes, Regulations, Administrative Materials & Court Rules > AL - Code of Alabama". The main search area includes a search box, a "Search" button, and a "Table of Contents (TOC) only" option. There are also checkboxes for "Search Selected Only" and "Clear All Selections | Hide Book Headers".

If needed, contact a reference librarian for help researching codes in print or online.

## Cumberland Book Club



Are you planning to participate in The [Cumberland Book Club](#)? If so, check the Reading Lounge, located on the Second Floor, Room 250. You will find library copies of the books chosen for this semester's Book Club. These books are for library use only, but feel free to take time and review this semester's selection of a variety of interesting titles.

## Recent Acquisitions

Grimm, Paul W. *DISCOVERY PROBLEMS AND THEIR SOLUTIONS*. 2<sup>nd</sup> ed. KF8900/.F29/2009.

HOMELAND SECURITY : LEGAL AND POLICY ISSUES. KF4850/.H65.

Marcus, Paul. *THE ENTRAPMENT DEFENSE*. 4<sup>th</sup> ed. KF9244/.M37/2009

PHARMACEUTICAL INDUSTRY ANTITRUST HANDBOOK. KF3885/.P43.

Ritter, G. Christopher. *POWERFUL DELIBERATIONS: PUTTING IT ALL TOGETHER FOR THE JURY*. KF8972/.R58.

STATE ANTITRUST PRACTICE AND STATUTES (FOURTH). KF1650/.S73/2009.



## Changing Habits II: Alabama Legal Treatises Online

By Ed Craig,  
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As mentioned in an [article in last month's issue](#), both LEXIS and WESTLAW provide a large assortment of law treatise databases which allow keyword searching, as well as page-by-page browsing. Below is a list of available legal treatises in those database services which are Alabama specific:

ALABAMA AUTOMOBILE INSURANCE LAW, THIRD EDITION, by Ronald G. Davenport. Davenport's book is available on WESTLAW (AL-AUTOINS) and is current through the May 2009 update.

ALABAMA CIVIL PRACTICE FORMS, THIRD EDITION, by Ally Windsor Howell. Howell's work was

last updated June, 2007 and is available on LEXIS (ALA library; ALCPF file).

ALABAMA CIVIL PROCEDURE, THIRD EDITION, by Jerome A. Hoffman. Hoffman's treatise can be found on LEXIS (2NDARY library; ALCP file) and is current up to the December 2008 update.

ALABAMA EVIDENCE COURTROOM MANUAL, 2008 EDITION, by A.J. Stephani and Glen Weissenberger. This book can be found on LEXIS (ALA library; ALEVCM file) and is updated through October 2008.

ALABAMA EVIDENCE, THIRD EDITION, by William A. Schroeder and Jerome A. Hoffman. The book can be found on WESTLAW (ALEVID) and is current through the 2008 update.

ALABAMA LAW OF DAMAGES, FIFTH EDITION, by Charles Gamble and Jenelle Mims Marsh. This title is current through the October 2008 pocketpart issued as the 2008-2009 cumulative supplement. It is available on WESTLAW (AL-DAMAGES).

ALABAMA PATTERN JURY INSTRUCTIONS—CIVIL, SECOND EDITION, by Alabama Pattern Jury Instructions Committee. This

work was last updated December 2008 and can be found on WESTLAW (AL-APJICIV).

ALABAMA PERSONAL INJURY AND TORTS, by Ally Windsor Howell. Howell's work can be found on WESTLAW (AL-PIT) and is current through the 2009 cumulative supplement.

ALABAMA PROPERTY RIGHTS AND REMEDIES, THIRD EDITION, by Jesse P. Evans, III. This book's online edition reflects updates through the September 2008 pocketpart and is available on LEXIS (ALA library; ALPRR file).

ALABAMA RULES OF CIVIL PROCEDURE ANNOTATED, FOURTH EDITION, by Ally Windsor Howell and Champ Lyons, Jr. This treatise is updated online through the September 2009 pocketpart and is available on WESTLAW (ALPRAC-RCP).

ALABAMA RULES OF CRIMINAL PROCEDURE, FOURTH EDITION, by Hugh Maddox. This online edition was last updated in 2009 and is available on LEXIS (ALA library; ALRCRP file).

ALABAMA TORT LAW, FOURTH EDITION, edited by Gregory S. Cusimano and Michael L. Roberts. This work was last updated in December 2008 and is available on

LEXIS (ALA library; ALTORT file).

ALABAMA WORKERS' COMPENSATION, by Terry A. Moore. This work, part of the Alabama Practice Series by West, can be found on WESTLAW (ALPRAC-WC) and is current through the August 2009 cumulative supplement.

ALABAMA WORKERS' COMPENSATION LAW & HANDBOOK, SECOND EDITION, by Robert W. Lee and Steven W. Ford. This online edition was last updated with the October 2009 pocketpart and is available on LEXIS (ALA library; ALWCH file).

ALLEN'S ALABAMA LIABILITY INSURANCE HANDBOOK, SECOND EDITION, by John Johnson, II and Richard E. Smith. The text is updated through August 2009 and is available on LEXIS (ALA library; ALLIHB file).

CRIMINAL OFFENSES AND DEFENSES IN ALABAMA, THIRD EDITION, by Victoria Ferreira. Ferreira's book is on WESTLAW (ALCROFFDEF) and is current through the June 2009 update.

ELEVENTH CIRCUIT CRIMINAL HANDBOOK, by Donald F. Samuel. Samuel's text is current online through

July 2009 and is available on LEXIS (ALA library; 11CCRH file).

FAMILY LAW IN ALABAMA: PRACTICE AND PROCEDURE, THIRD EDITION, by Rick Fernambucq and Gary Pate. This treatise is available on LEXIS (2NDARY library; ALFAM file) and was last updated online November 2007.

S O U T H E A S T TRANSACTION GUIDE, by Byron L. Sparber, Carl H. Cofer and Thomas A. Ritchie. This invaluable resource's online edition is current through June 2009 and is available on LEXIS (ALA library; SETRAN file).

TRIAL HANDBOOK FOR ALABAMA LAWYERS, THIRD EDITION, by Ally Windsor Howell. This book last updated in 2009 and is available on WESTLAW (ALPRAC-TRH).

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**Best of luck  
with finals!**




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